



Judicial Council of California

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 25-172

For business meeting on October 24, 2025

Title

Juvenile Law: Indian Child Welfare Act
(ICWA) Inquiry and Family Finding

Report Type

Action Required

Effective Date

January 1, 2026

Date of Report

October 20, 2025

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Rules, Forms, Standards, or Statutes Affected

Amend Cal. Rules of Court, rules 5.481,
5.668, 5.708, and 5.725; revise forms
ICWA-005-INFO, ICWA-010(A),
ICWA-020, JV-101(A), JV-320, JV-405,
JV-410, JV-412, JV-415, JV-421, JV-430,
JV-432, JV-433, JV-435, JV-437, JV-438,
JV-440, JV-442, JV-443, JV-446, JV-455,
and JV-457

Recommended by

Family and Juvenile Law Advisory
Committee
Hon. Tari L. Cody, Cochair
Hon. Stephanie E. Hulsey, Cochair

Tribal Court–State Court Forum

Hon. Abby Abinanti, Cochair
Hon. Shama Hakim Mesiwala, Cochair

Executive Summary

To implement new legislation and recent case law regarding the Indian Child Welfare Act (ICWA) and foster-care placement in juvenile cases, the Family and Juvenile Law Advisory Committee and the Tribal Court–State Court Forum recommend amending four rules of court and revising 22 forms. This proposal responds to Assembly Bill 81 (Ramos; Stats. 2024, ch. 656), which addressed the implementation of the Indian Child Welfare Act (25 U.S.C. §§ 1901 et seq.), including ICWA inquiry, and Assembly Bill 2929 (Carrillo; Stats. 2024, ch. 845), which addressed family finding in juvenile dependency cases. The proposal also

responds to two recent decisions from the Supreme Court of California concerning ICWA inquiry: *In re Kenneth D.* (2024) 16 Cal.5th 1087 and *In re Dezi C.* (2024) 16 Cal.5th 1112. The proposal also corrects several technical issues in the rules and forms.

Recommendation

The Tribal Court–State Court Forum and the Family and Juvenile Law Advisory Committee recommend that the Judicial Council, effective January 1, 2026:

1. Amend California Rules of Court, rule 5.481(a)(2) regarding who must be asked if they have information that the child is or may be an Indian child to better align with the language in recent revisions to section 224.2(c) of the Welfare and Institutions Code (all further code references are to the California Welfare and Institutions Code unless otherwise stated) and for consistency with the language used in other rules, to add the words “on the record” to the end of that paragraph, and to change the term “participant” in subdivision (a)(2)(A) to “party or other interested person” and the words “or may be” between “knows or has reason to know the child is” and “an Indian child.” In addition, the proposal would add to subdivision (a)(4)(B) language clarifying that contacting the Bureau of Indian Affairs (BIA) and California Department of Social Services (CDSS) for assistance should occur only if the contacting entities—after interviewing the parents, Indian custodian, and extended family members—still require assistance in identifying or contacting tribes. This language is proposed in response to comments from the BIA and the CDSS that they routinely have agencies contact them without having first interviewed available family members. Without the family background information, the BIA and the CDSS will not conduct these interviews and cannot assist with locating and contacting tribes (the assistance they are mandated to provide). Finally, there is a technical amendment to (a)(4)(C) to correct a code reference.
2. Amend rule 5.668(c) to make the language regarding Indian Child Welfare Act (ICWA) inquiry consistent with the new language in section 224.2 regarding asking each party or other interested person present who has not previously been asked and making this inquiry on the record.
3. Amend rule 5.708(b)(1) to require that the report discuss all efforts the agency has made to comply with its ICWA inquiry duty by adding new subsection (E) and new paragraph (b)(4) to state that the court must make a finding as to whether the agency has fulfilled its duty of ICWA inquiry.
4. Amend rule 5.725 to require in subdivision (c), governing reporting requirements, evidence of the affirmative and continuing duty to inquire whether the child is or may be an Indian child and to add a paragraph under subdivision (d), conduct of hearing, to require the court to make a finding as to whether the agency has fulfilled its duty of ICWA inquiry under the holdings of the California Supreme Court in *Kenneth D.* and *Dezi C.* These cases clarify that there must be robust evidence of ICWA inquiry throughout the life of the case and findings by the court on ICWA inquiry and ICWA status that are grounded in the record. Also, a technical change updates a rule reference in subdivision (g).

5. Revise *Information Sheet on Indian Child Inquiry Attachment and Notice of Child Custody Proceeding for Indian Child* (form ICWA-005-INFO) to clarify and explain the ongoing duty of inquiry of extended family members and make the technical correction of including notice to the Secretary of the Interior when the identity and location of the child's parents or tribe are known.
6. Revise *Indian Child Inquiry Attachment* (form ICWA-010(A)) to clarify what must be asked of the individuals questioned and clarify steps of the inquiry process.
7. Revise *Parental Notification of Indian Status* (form ICWA-020) to clarify that the inquiry is related to relatives and lineal ancestors of the *child* rather than the parent, Indian custodian, or guardian; add the terms "citizen" and "citizenship" when the terms "member" and "membership" are used; and ask whether the parent or child has lived on tribal trust lands in the past as well as whether they currently live on such lands.
8. Revise *Additional Children Attachment* (form JV-101(A)) by reformatting it to ensure that ICWA inquiry is documented for each individual child and removing the reference to gender in item 4e, which is not required by statute.
9. Revise *Orders Under Welfare and Institutions Code Sections 366.24, 366.26, 727.3, 727.31* (form JV-320), which is used to document the findings and orders at a permanency hearing, to add a required finding as to the sufficiency of ICWA inquiry and to fix a typographical error at item 19(b)(3) by changing the first word from "an" to "a."
10. Revise *Continuance—Dependency Detention Hearing* (form JV-405) to correct the name of the hearing in item 2 from "dispositional" to "detention," change existing item 12b to 12a(2), renumber the subitems in 12, modify renumbered item 12b to include language that the court has reviewed evidence of ICWA inquiry submitted for the hearing, remove the finding in original item 12c(2)(a) that ICWA does not apply, add language in item 12b(4) that ICWA applies when the court makes a finding that the child is an Indian child, and revise the wording and format for the countersignature line for a judge that may be required under section 249 to be consistent with other forms that include this countersignature.
11. Revise *Findings and Orders After Detention Hearing* (form JV-410) to add a new item 9 ordering the county agency to make diligent efforts to locate and evaluate appropriate kin, add an instruction to the ICWA status language in renumbered item 11 to clarify that the court must choose one of the alternative findings, add a new sentence to renumbered item 11a ordering the county agency to continue to inquire about the child's Indian status, and delete the language in renumbered item 11b(1) that ICWA does not apply.
12. Revise *Findings and Orders After Jurisdictional Hearing* (form JV-412) to update the language in item 5 regarding ICWA inquiry and status.
13. Revise *Findings and Orders After Dispositional Hearing* (form JV-415) to move current item 5, which addresses ICWA status, into item 7, ICWA Inquiry; renumber the remaining items; and delete the language in original item 7d(1) finding that ICWA does not apply unless new information is received and add language requiring the agency to continue its ICWA inquiry efforts.
14. Revise *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent* (form JV-421) to update the language and clarify the findings regarding

ICWA inquiry and status by adding item 4, include the family finding requirements in renumbered item 8, and revise language in item 34 to provide a link to rule 5.650 rather than direct litigants to the court clerk.

15. Revise *Findings and Orders After Six-Month Status Review Hearing* (form JV-430) to include language about continuing ICWA inquiry and revise language in item 15 to provide a link to rule 5.650 rather than direct litigants to the court clerk.
16. Revise *Six-Month Permanency Attachment: Reunification Services Continued* (form JV-432) to add language concerning family finding and engagement as item 14.
17. Revise *Six-Month Permanency Attachment: Reunification Services Terminated* (form JV-433) to add as new item 15 language regarding family finding and engagement and to require in renumbered item 18(c) that the report that the agency is required to prepare for the permanency hearing include evidence of ICWA inquiry throughout the life of the case.
18. Revise *Findings and Orders After 12-Month Permanency Hearing* (form JV-435) to include language about continuing ICWA inquiry, and revise language in item 15 to provide a link to rule 5.650 rather than direct litigants to the court clerk.
19. Revise *Twelve-Month Permanency Attachment: Reunification Services Continued* (form JV-437) to add language concerning family finding and engagement.
20. Revise *Twelve-Month Permanency Attachment: Reunification Services Terminated* (form JV-438) to add language regarding family finding and engagement at item 13 and to require that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case at item 18.
21. Revise *Findings and Orders After 18-Month Permanency Hearing* (form JV-440) to delete existing item 4 concerning ICWA status and replace it with new item 6 to include language about continuing ICWA inquiry and ICWA status findings, and revise language in item 15 to provide a link to rule 5.650 rather than direct litigants to the court clerk.
22. Revise *Eighteen-Month Permanency Attachment: Reunification Services Terminated* (form JV-442) to add language regarding family finding and engagement and to require that the agency's permanency hearing report include evidence of ICWA inquiry throughout the life of the case.
23. Revise *Eighteen-Month Permanency Attachment: Reunification Services Continued* (form JV-443) to add language concerning family finding and engagement.
24. Revise *Findings and Orders After Postpermanency Hearing—Permanent Plan Other Than Adoption* (form JV-446) to add language regarding notice to the Bureau of Indian Affairs when such is required and about family finding and engagement.
25. Revise *Findings and Orders After 24-Month Permanency Hearing* (form JV-455) to delete existing item 4 concerning ICWA status and replace it with new item 6 to include language about continuing ICWA inquiry and ICWA status findings, and revise language in item 15 to provide a link to rule 5.650 rather than direct litigants to the court clerk.
26. Revise *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated* (form JV-457) to require the county agency to include evidence of ICWA inquiry in its report for the permanency hearing and to add language about family finding and engagement.

The recommended amended rules are attached at pages 9–13. The recommended revised forms are attached at pages 14–115.

Relevant Previous Council Action

The federal Indian Child Welfare Act (ICWA; 25 U.S.C. § 1901 et seq.) was enacted in 1978 and establishes minimum federal standards that apply in all state court proceedings involving an Indian child where the child could be involuntarily placed in the custody of a nonparent, or where the parental rights of a parent could be terminated. California statutes refine and expand upon these minimal federal standards. The Judicial Council has acted numerous times to implement and improve compliance with ICWA and to implement state laws including:

- 1995 amendments to former rules 1431, 1432, and 1463 to ensure proper notice consistent with ICWA and adoption of former rule 1439;
- 1998 amendments to former rule 1439 and forms JV-100 and JV-110 to better identify Indian children and comply with ICWA; and
- 2000 and 2005 amendments to former rule 1439 and revisions to various juvenile and family law forms to clarify when and how notice should be given under ICWA.

In 2006 California enacted Senate Bill 678 (Ducheny; Stats. 2006, ch. 838) to substantially incorporate provisions of ICWA into the Family Code, Probate Code, and Welfare and Institutions Code. Following enactment of SB 678, the Judicial Council adopted implementing rules of court and forms.¹ Following the enactment of Assembly Bill 3176 (Waldron; Stats. 2018, ch. 833), in 2019 the Judicial Council updated various ICWA and juvenile rules and forms effective January 1, 2020.²

In 2023 the Judicial Council amended four rules of court in its implementation of Senate Bill 384 (Cortese; Stats. 2022, ch. 811) which expanded the obligation of the placing agency to engage in family finding in dependency and delinquency cases.³

Analysis/Rationale

When children and families encounter the child welfare system, the court and the agency must follow specific obligations and requirements. These include the requirement under state and federal statutes to (1) identify kin who can provide family support and potential placement should children need to be removed from their homes, and (2) identify Indian children so their tribes can be notified and the requirements of ICWA and implementing state law can be fulfilled.

¹ That rules and forms proposal was adopted by the Judicial Council at a meeting on October 26, 2007 (agenda item A27), and is available at www.courts.ca.gov/documents/102607ItemA27.pdf.

² That rules and forms proposal was adopted by the Judicial Council at a meeting on September 24, 2019 (agenda item 19-195), and is available at <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>.

³ Approved by the Judicial Council at its meeting on September 19, 2023, as item no. 23-166 <https://jcc.legistar.com/View.ashx?M=F&ID=12246464&GUID=FF0A3C37-4A42-4B36-B044-4C1CEAA9993C>.

Recent legislative changes to both these “family finding” and ICWA inquiry requirements as well as recent case law regarding ICWA inquiry require changes to various Judicial Council forms.

ICWA inquiry and family finding are often documented on the same Judicial Council forms. Because they involve the same forms, the two issues were combined into one proposal.

To fulfill the requirement to identify Indian children, California law imposes on local agencies and courts an affirmative and continuing duty to inquire of various individuals, including extended family members contacted by or available to the agency or court throughout the life of a case, whether the child is or may be an Indian child.⁴

Following the implementation of AB 3176⁵ in 2019, appeals related to ICWA inquiry increased substantially based on claims that the inquiry of available extended family members throughout the life of a case was inadequate. Issues in these appeals, including the consequences of a failure to inquire of available extended family members, were eventually decided by the California Supreme Court in a pair of decisions: *In re Kenneth D.* and *In re Dezi C.* In these decisions, the court stressed the need for robust and thorough evidence of ICWA inquiry throughout the life of a case and for the trial court to make fact-specific findings about the child’s Indian status and the adequacy of ICWA inquiry that are grounded in the record.

In AB 81, the Legislature clarified the initial and continuing duty of the court, a county welfare department, or county probation department to inquire whether the child is or may be an Indian child. (Additionally, AB 2929 strengthened the family finding and engagement requirements in all juvenile dependency cases by requiring the agency to present (1) evidence at all review hearings that the agency continued its efforts to locate any relatives, extended family members, or nonrelative extended family members (also defined as kin) who could provide family support or possible placement of the child; and (2) the results of those efforts.

The changes detailed in the Recommendation section are required to conform the rules and forms with the new legislation and to help minimize ICWA inquiry appeals.

Policy implications

ICWA inquiry and family finding are of critical importance in child welfare cases. ICWA inquiry has caused numerous appeals. The proposal advances the judicial branch goal of delivering the highest quality of justice and service to the public.

⁴ Welf. & Inst. Code, § 224.2.

⁵ Judicial Council of Cal., Advisory Com. Rep., *Indian Child Welfare Act (ICWA): Implementation of AB 3176 for Indian Children* (Sept. 5, 2019), item 19-195, <https://jcc.legistar.com/View.ashx?M=F&ID=7684873&GUID=52B4C6B1-F704-458F-BF42-EB1AA4F82000>.

Comments

The proposal circulated for public comment from April 15 through May 17, 2025, as part of the spring 2025 invitation-to-comment cycle. It was sent to the standard mailing list for family and juvenile law proposals that includes appellate presiding justices, appellate court clerk/executive officers, trial court presiding judges, trial court executive officers, judges, court administrators and clerks, attorneys, family law facilitators and self-help center staff, legal services attorneys, social workers, probation officers, Court Appointed Special Advocate programs, and other juvenile and family law professionals. It was also sent to tribal leaders, tribal advocates, and tribal attorneys and distributed through the California Department of Social Services Office of Tribal Affairs listserve to reach those with an interest in the Indian Child Welfare Act and tribal issues.

The proposal received 11 comments from three superior courts, a superior court judge, two county counsel's offices, the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee, a county bar association, a statewide tribal advocacy organization, a committee of the California Lawyers Association, and the California Department of Social Services.

All the commenters either agreed with the proposal as circulated or agreed with modifications. None opposed the proposal.

Many comments on the forms were technical in nature, such as updating code and section references, updating for gender-neutral language, correcting singulars and plurals, adding "citizen" and "citizenship" to tribal "member" and "membership" throughout the proposal to be consistent with section 224.2, adding code and rule references to the footnotes of the forms, adding space for responding to questions, and correcting spelling and grammatical errors. The committee and the forum recommend making these changes. In addition, the committee and the forum recommend changing the word "select" to "check," as in "check the box," to use consistent language in juvenile forms and revising the judicial officer signature line on form JV-405 to clarify that a judge's countersignature may be required. In addition, the footers on all of the forms were updated post-comment consistent with Judicial Council form guidelines.

There were also more substantive comments related to the wording of both the rules and the forms where commenters suggested refinement of language to provide greater clarity and more closely align the language in the rules and forms with statutory language and intent. These include (1) refinements in the language of rules 5.481(a)(2) and 5.668(c) to more closely follow the language of the statute and rule 5.708(b)(1)(E) to include a more complete list of the individuals of whom inquiry should be made, (2) adding to rule 5.708(b)(4) language requiring the court to revisit any previous findings of ICWA applicability in light of new information, and (3) removing the language "throughout the life of the case" in rule 5.725 discussing reporting requirements of ICWA inquiry and throughout the forms in response to a comment that the language is not used in the statute and may also be inconsistent with case law that says a failure of inquiry at an early stage of the case can be remedied by later inquiry.

The California Department of Social Services suggested several further revisions to the ICWA rules and forms, such as including findings and orders regarding which of multiple tribes should be recognized as the child's tribe, revising rule 5.534 to reflect the right of an indigent Indian custodian to appointed counsel, revising rules 5.708 through 5.720 to include findings with respect to reunification services, and including more robust ICWA findings in juvenile justice cases. These suggestions are beyond the scope of the proposal as circulated for public comment and were therefore not incorporated but will be considered for future proposals.

Alternatives considered

The forum and the committee considered whether the proposal should be delayed to address the broader scope of comments from the California Department of Social Services but determined that it was important to give the courts and parties guidance on the updated requirements concerning ICWA inquiry and family finding.

The forum and the committee did not consider taking no action because changes to rules and forms are necessary to implement the legislation and case law.

Fiscal and Operational Impacts

The Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee and the superior courts that provided comments on the proposal noted operational impacts including potential updating of case management systems and tracking, training for juvenile judges and clerks, an increase of court staff workload, and updating of self-help resources. There should also be substantial savings because of fewer ICWA inquiry appeals.

Attachments and Links

1. Cal. Rules of Court, rules 5.481, 5.668, 5.708, and 5.725, at pages 9–13
2. Forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457, at pages 14–115
3. Chart of comments, at pages 116–175

Rules 5.481, 5.668, 5.708, and 5.725 of the California Rules of Court are amended, effective January 1, 2026, to read:

Rule 5.481. Inquiry and notice

(a) Inquiry

* * *

(1) * * *

(2) At the first appearance ~~by a parent, Indian custodian, or guardian, in court by~~ each party and all other ~~participants~~ interested persons in any of the following: any dependency case; juvenile wardship proceedings in which the child is at risk of entering foster care or is in foster care; at the initiation of any guardianship, conservatorship, proceeding for custody under Family Code section 3041, proceeding to terminate parental rights, proceeding to declare a child free of the custody and control of one or both parents, preadoptive placement, or adoption proceeding; and at each hearing that may culminate in an order for foster care placement, termination of parental rights, preadoptive placement or adoptive placement as described in Welfare and Institutions Code section 224.1(d)(1), or that may result in an order for guardianship, conservatorship, or custody under Family Code section 3041; the court must on the record:

(A) Ask each ~~participant~~ party or interested person present whether the ~~participant~~ party or other interested person knows or has reason to know the child is or may be an Indian child;

(B) Instruct the parties and other interested persons to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child; and

(C) * * *

(3) * * *

(4) If the social worker, probation officer, licensed adoption agency, adoption service provider, investigator, or petitioner knows or has reason to know or believe that an Indian child is or may be involved, that person or entity must make further inquiry as soon as practicable by:

(A) Interviewing the parents, Indian custodian, and “extended family members” as defined in 25 United States Code section 1903, to gather

the information listed in Welfare and Institutions Code section 224.3(a)(5), Family Code section 180(b)(5), or Probate Code section 1460.2(b)(5);

(B) Based on the information gathered under (a)(4)(A), contacting the Bureau of Indian Affairs and the California Department of Social Services for assistance in identifying the names and contact information of the tribes in which the child may be a member or eligible for membership if the agency has been unable to make contact with such tribes; and

(C) Contacting the tribes and any other person who reasonably can be expected to have information regarding the child's membership status or eligibility. These contacts must at a minimum include the contacts and sharing of information listed in Welfare and Institutions Code section 224.2(e)(3)(2)(C).

(5) * * *

(b)–(c) * * *

Rule 5.668. Commencement of hearing—explanation of proceedings (§§ 316, 316.2)

(a)–(b) * * *

(c) Indian Child Welfare Act inquiry (§ 224.2(c) & (g))

(1) At the first appearance in court of each party or other interested person, the court must ask ~~each participant present at the hearing~~ on the record whether:

(A)–(D) * * *

(2) The court must also instruct all parties and other interested persons to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child and order the parents, Indian custodian, or guardian, if available, to complete *Parental Notification of Indian Status* (form ICWA-020).

(3)–(4) * * *

(d) * * *

1 **Rule 5.708. General review hearing requirements**

2
3 (a) * * *

4
5 (b) **Reports (§§ 366.05, 366.1, 366.21, 366.22, 366.25, 16002)**

6
7 * * *

8
9 (1) The report must include:

10
11 (A)–(B) * * *

12
13 (C) A factual discussion of each item listed in sections 366.1 and 366.21(c);
14 ~~and~~

15
16 (D) A factual discussion of the information required by section 16002(b);
17 and

18
19 (E) A factual discussion of all efforts the agency has made to comply with
20 the affirmative and continuing duty to inquire whether the child is or
21 may be an Indian child, including evidence that inquiry in accordance
22 with section 224.2 has been made of the child, any parent, legal
23 guardian, Indian custodian, extended family members, or other
24 interested persons contacted by the agency.

25
26 (2)–(3) * * *

27
28 (4) The court must make a finding as to whether the agency has fulfilled its
29 affirmative and continuing duty to inquire whether the child is or may be an
30 Indian child. If the court previously found that ICWA does not apply to the
31 proceedings pursuant to section 224.2(i)(2), the court must determine whether
32 there is any additional information that was not previously available to the
33 agency or the court, when making a finding as to whether the agency has
34 fulfilled its affirmative and continuing duty to inquire whether the child is or
35 may be an Indian child.

36
37 (c)–(k) * * *

38
39 **Rule 5.725. Selection of permanent plan (§§ 366.24, 366.26, 727.31)**

40
41 (a)–(b) * * *

1 (c) Report

2
3 Before the hearing, petitioner must prepare an assessment under section 366.21(i)
4 including evidence that the agency has fulfilled its affirmative and continuing duty
5 to inquire whether the child is or may be an Indian child. At least 10 calendar days
6 before the hearing, the petitioner must file the assessment, provide copies to each
7 parent or guardian and all counsel of record, and provide a summary of the
8 recommendations to the present custodians of the child, to any CASA volunteer,
9 and to the tribe of an Indian child.

10
11 (d) Conduct of hearing

12
13 At the hearing, the court must state on the record that the court has read and
14 considered the report of petitioner, the report of any CASA volunteer, the case plan
15 submitted for this hearing, any report submitted by the child's caregiver under
16 section 366.21(d), and any other evidence, and must proceed under section 366.26
17 and as follows:

18
19 (1) Make a finding as to whether:

20
21 (A) The court and the agency have fulfilled their affirmative and continuing
22 duty to inquire whether the child is or may be an Indian child;

23
24 (B) The record contains evidence of such inquiry, including evidence of
25 inquiry of the parents, guardians, Indian custodian, and other available
26 extended family members contacted by the court or the agency; and

27
28 (C) Based on that inquiry and evidence, there is reason to believe or know
29 the child may be an Indian child.

30
31 ~~(1)~~(2) * * *

32
33 ~~(2)~~(3) * * *

34
35 ~~(3)~~(4) * * *

36
37 ~~(4)~~(5) * * *

38
39 (e)–(f) * * *

40
41 (g) Advisement of appeal rights

1 The court must advise all parties of their appeal rights as provided in rule 5.585590
2 and section 366.26(1).

INFORMATION SHEET ON INDIAN CHILD INQUIRY ATTACHMENT AND NOTICE OF CHILD CUSTODY PROCEEDING FOR INDIAN CHILD

This is an information sheet to help you fill out form ICWA-010(A), *Indian Child Inquiry Attachment*, and form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Form ICWA-010(A), *Indian Child Inquiry Attachment*

You are responsible for helping to find out whether the child is or may be an Indian child and filling out the information requested on ICWA-010(A), *Indian Child Inquiry Attachment*. This is important because if the child is **or may be** an Indian child, specific steps must be taken to **gather family background information, contact the child's tribe, and** prevent the breakup of the child's Indian family and to obtain for the child resources and services that are culturally specific to the child's family. The court will check to make sure that the child receives these resources and services.

Tips on how to fill out form ICWA-010(A), Indian Child Inquiry Attachment

1. Try to find contact information for the child's parents, the child's Indian custodian (if the child is living with an Indian person other than a parent) or other legal guardian, the child's grandparents and great-grandparents, and other available family members.
2. Contact the child's parents, the child's Indian custodian or any other legal guardians, available extended family members, and any other persons known to have an interest in the child and ask them (and the child, if old enough) these questions:
 - a. **Do they think the child might be a member or citizen** of a tribe or eligible for tribal membership **or citizenship**, and if they think the child might be, then which tribe or tribes?
 - b. Are the parents or other members of the extended family members **or citizens** of a tribe, and if they think they might be, which tribe or tribes?
 - c. Does the child, or do the child's parents or Indian custodian, if any, live in Indian country, including a reservation, rancheria, Alaska Native village, or other tribal trust land?
 - d. Does the child or any of the child's relatives receive services or benefits from a tribe, and if yes, which tribe?
 - e. Does the child or any of the child's relatives receive services or benefits available to Indians from the federal government?
 - f. Do they have any other information indicating the child is an Indian child?
3. If you are in touch with any of the child's relatives **or extended family members at any time**, ask them the same questions **and let the court know whom you have asked and what they said**.

The court clerk's office cannot file your petition unless you have filled out form ICWA-010(A), *Indian Child Inquiry Attachment*, and attached it to the petition. This requirement does not apply to a petition for appointment of a guardian of the estate only.

After you take the steps described above, if you have reason to believe that the child is an Indian child, you must **gather as much family background information as you can and** contact the tribe or tribes that may have a connection with the child about your court case.

You have reason to believe the child is an Indian child if any of the people you talk to answers "Yes" to any of your questions. Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member **or citizen** or eligible to become a tribal member **or citizen**, and can then decide whether to get involved in the case or assume tribal jurisdiction.

Your contacts with the tribe or tribes should include:

- (1) Contacting the tribe's designated agent for service of notice under the Indian Child Welfare Act, which is published in the Federal Register, by telephone, facsimile, or email; and
- (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a determination about the child's tribal membership **or citizenship** or eligibility for membership **or citizenship**, as well as information on the current status of the child and the case.

Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*

Following your inquiry about the child's Indian status and contacts with the child's tribe or tribes, **if at any time** you know or have reason to know the child is an Indian child, you must provide formal notice on form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.

Some tips to help you figure out if you have a reason to know the child is an Indian child

You have reason to know:

1. If the child, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child;
2. If the child, the child's parents, or an Indian custodian live on a reservation or rancheria or in an Alaskan Native village;

(continued on next page)



You have reason to know (*continued*):

3. If the child is or has been a ward of the tribal court; or
4. If the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe.

These are just a few of the facts that would give you reason to know that a child is an Indian child. There may also be other information that would give you reason to know that the child is an Indian child.

Who do you need to notify?

If you know or have reason to know that the child is an Indian child, you must send the *Notice* to the following:

1. Child's parents or other legal guardian, including adoptive parents;
2. Child's Indian custodian (if the child is living with an Indian person who has legal custody of the child under tribal law or custom, under state law, or if the parent asked that person to take care of the child);
3. Child's tribe or tribes; and
4. Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825 (if the parents, Indian custodian, or tribe cannot be determined or located).

Tips on how to find the address for the child's tribe or tribes

The Secretary of the Interior periodically updates and publishes in the Federal Register (see 25 **Code of Federal Regulations** § 23.12) a list of tribe names and addresses. The Bureau of Indian Affairs also keeps a list. You can access the Federal Register list and other resources related to ICWA on the Bureau of Indian Affairs website at bia.gov/bia/ois/dhs/icwa.

Copy to the Area Director of the Bureau of Indian Affairs

If you know the identity and location of the parent, Indian custodian, and the tribe or tribes, when you send the *Notice* to the parent, Indian custodian, and the tribe or tribes, you must also send a copy to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

Copy to the Area Director of the Bureau of Indian Affairs and Secretary of the Interior

If you do **not** know the identity and location of the child's parents, Indian custodian, and tribe or tribes, you must send copies of the *Notice* and the other documents to the Sacramento Area Director, Bureau of Indian Affairs, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825 and to the Secretary of the Interior, 1849 C Street, NW, Washington DC 20240. To help establish the child's tribal identity, you must have completed your further inquiry of available extended family members before contacting the Bureau of Indian Affairs and Secretary of the Interior and provide as much information as possible, including the child's name, birthdate, and birthplace; the names of all of the child's known relatives with addresses and other identifying information; and a copy of the petition in the case.

How do you send the *Notice* and prove to the court that you have done so?

If you have an attorney, the attorney will complete the steps described below. If you are representing yourself without an attorney in a probate guardianship case, the court clerk will help you with steps 1 and 2 below, including doing the mailing and signing the certificate of mailing on page 9 of the *Notice*, but you must deliver copies of the *Notice* and other documents listed in step 1 below to the court in addressed envelopes ready for mailing and then complete step 3.

1. Mail to the persons and organizations listed at the top of this page, by registered or certified mail, with return receipt requested, completed and signed copies of the following forms:
 - a. Your petition;
 - b. Form ICWA-010(A), *Indian Child Inquiry Attachment*; and
 - c. Form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*.
2. The person who does the mailing must fill out the information requested on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*, and then date and sign the original form on page 9.
3. Go to the court and file with the clerk of the court proof that you have given notice to everyone listed above and on page 10 of form ICWA-030, *Notice of Child Custody Proceeding for Indian Child*. Your proof must consist of the following:
 - a. The original signed *Notice* (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A);
 - b. All return receipts given to you by the post office and returned from the mailing; and
 - c. All responses you receive from the child's parents, the child's Indian custodian, the child's tribe or tribes, and the Bureau of Indian Affairs.

Please note that you are subject to court sanctions if you knowingly and willfully falsify or conceal a material fact concerning whether the child is an Indian child or if you counsel a party to do so. (Welf. & Inst. Code, § 224.3(e).)

CHILD'S NAME:	CASE NUMBER:
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1. Name of child:

2. (Check one)

☐ I have not yet been able to complete the inquiry about the child's Indian status because:

I understand that I have an affirmative and continuing duty to complete this inquiry. I will do it as soon as possible and advise the court of my efforts.

☐ I have asked or ☐ I am advised by: _____ and on information and belief confirm that this person has completed inquiry by asking the child, the child's parents, and other required and available persons about the child's Indian status. Each of these persons was asked whether they had any information that the child is or may be an Indian child; whether the parents or child are or were domiciled or lived on a reservation, rancheria, Alaska Native village, or other tribal trust land, or had ancestors who were members of an Indian tribe. The person(s) questioned are:

Name:

Name:

Address:

Address:

City, state, zip:

City, state, zip:

Telephone:

Telephone:

Date questioned:

Date questioned:

Relationship to child:

Relationship to child:

☐ Additional persons questioned and their information is attached. *(Form MC-020 may be used for this purpose.)*

3. This inquiry *(check one)*

☐ gave me reason to believe the child is or may be an Indian child. *(If checked, continue to 4.)*

☐ gave me no reason to believe the child is or may be an Indian child. *(If checked, continue to signature page at end of form.)*

4. ☐ I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or citizen or eligible for membership or citizenship in the tribe(s). Information detailing the tribes contacted, the names of the individuals contacted, and the manner of the contacts is attached.

5. Based on inquiry and tribal contacts *(check all that apply)*:

a. ☐ the child is or may be a member or citizen of or eligible for membership or citizenship in a tribe.

Name of tribe(s):

Location of tribe(s):

b. ☐ the child's parents, grandparents, or great-grandparents are or were members or citizens of a tribe.

Name of tribe(s):

Location of tribe(s):

c. ☐ the residence or domicile of the child, child's parents, or Indian custodian is on a reservation, rancheria, Alaska Native village, or other tribal trust land.

d. ☐ the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service or Tribal Temporary Assistance to Needy Families (TANF).

e. ☐ the child is or has been a ward of a tribal court.

Name of tribe(s):

Location of tribe(s):

f. ☐ either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.

Name of tribe(s):

Location of tribe(s):



CHILD'S NAME:	CASE NUMBER:
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6. If this is a delinquency proceeding under Welfare and Institutions Code section 601 or 602,

☐ the child is in foster care.

☐ it is probable the child will be entering foster care.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

		
(TYPE OR PRINT NAME)		(SIGNATURE)

To the parent, Indian custodian, or guardian of the above named child: You must provide all the requested information about the child's Indian status by completing this form. If you get new information that would change your answers, you must let your attorney, all the other attorneys on the case, and the social worker or probation officer, or the court investigator know immediately and an updated form must be filed with the court.

1. Name: _____
2. Relationship to child: ☐ Parent ☐ Indian custodian ☐ Guardian ☐ Other: _____

3. a. ☐ I am or may be a member or citizen of, or eligible for membership or citizenship in, a federally recognized Indian tribe.
Name of tribe(s) (name each):

Location of tribe(s):

b. ☐ The child is or may be a member or citizen of, or eligible for membership or citizenship in, a federally recognized Indian tribe because (state why you think the child is or may be a member or citizen or eligible for membership or citizenship in the tribe):
Name of tribe(s) (name each):

Location of tribe(s):

c. ☐ One or more of the child's parents, grandparents, or other lineal ancestors is or was a member or citizen of a federally recognized tribe.
Name of tribe(s) (name each):

Location of tribe(s):

Name and relationship of ancestor(s):

d. ☐ I am a resident of or am domiciled, live, or have lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.

e. ☐ The child is a resident of or is domiciled, lives, or has lived on a reservation, rancheria, Alaska Native village, or other tribal trust land.

CHILD'S NAME:	CASE NUMBER:
---------------	--------------

3. f. ☐ The child is or has been a ward of a tribal court of the: ☐ tribe.
- g. ☐ Either parent or the child possesses an Indian identification card indicating membership or citizenship in an Indian tribe.
Name of tribe(s) (*name each*):
- Membership or citizenship number (*if any*):
- h. ☐ None of the above apply.

4. A previous form ICWA-020 ☐ has ☐ has not been filed with the court.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ (TYPE OR PRINT NAME)	 _____ (SIGNATURE)
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Note: This form is not intended to constitute a complete inquiry into Indian heritage. Additional inquiry may be required by the Indian Child Welfare Act and state law.

CHILD'S NAME:	CASE NUMBER:
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4. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable boxes; see attachment 3a for concise statements of facts</i>): ☐ (a) ☐ (b)(1) ☐ (b)(4) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j)		
b. Child's name:	c. Age:	d. Date of birth:
☐ Information is the same as that given for the child in item 1. (<i>If not the same, provide different information below.</i>)		
e. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	f. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	
g. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	h. Other (<i>state name, address, and relationship to child</i>): ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.	
i. Prior to intervention, child resided with ☐ parent (<i>name</i>): ☐ parent (<i>name</i>): ☐ guardian (<i>name</i>): ☐ Indian custodian (<i>name</i>): ☐ other (<i>state name, address, and relationship to child</i>):	j. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention (<i>address</i>): ☐ Relative ☐ Shelter/foster care ☐ Other	
k. Indian Child Welfare Act Inquiry (<i>check one</i>) (1) ☐ I have asked whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen, and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (2) ☐ On information and belief, I am aware that inquiry has been completed by (<i>insert name</i>) and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (3) ☐ Inquiry about whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)), and submit it to the court as soon as possible.		



CHILD'S NAME:	CASE NUMBER:
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5. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code (<i>check applicable boxes; see attachment 3a for concise statements of facts</i>): ☐ (a) ☐ (b)(1) ☐ (b)(4) ☐ (c) ☐ (d) ☐ (e) ☐ (f) ☐ (g) ☐ (h) ☐ (i) ☐ (j)		
b. Child's name:	c. Age:	d. Date of birth:
☐ Information is the same as that given for the child in item 1. (<i>If not the same, provide different information below.</i>)		
e. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	f. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	
g. Name: ☐ mother Address: ☐ father ☐ guardian ☐ unknown If mother or father (<i>check all that apply</i>): ☐ legal ☐ biological ☐ presumed ☐ alleged	h. Other (<i>state name, address, and relationship to child</i>): ☐ No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.	
i. Prior to intervention, child resided with ☐ parent (<i>name</i>): ☐ parent (<i>name</i>): ☐ guardian (<i>name</i>): ☐ Indian custodian (<i>name</i>): ☐ other (<i>state name, address, and relationship to child</i>):	j. Child is ☐ not detained ☐ detained Date and time of detention: Current place of detention (<i>address</i>): ☐ Relative ☐ Shelter/foster care ☐ Other	
k. Indian Child Welfare Act Inquiry (<i>check one</i>) (1) ☐ I have asked as to whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen, and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (2) ☐ On information and belief, I am aware that inquiry has been completed by (<i>insert name</i>) and the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)) is attached. (3) ☐ Inquiry about whether the child is or may be a member or citizen of an Indian tribe or eligible for membership or citizenship and the biological child of a member or citizen has not yet been completed for the reasons set out below. I am aware of the ongoing duty to complete this inquiry and will complete the <i>Indian Child Inquiry Attachment</i> (form ICWA-010(A)), and submit it to the court as soon as possible.		

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: TELEPHONE NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	STATE BAR NUMBER: STATE: ZIP CODE: FAX NO.:	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:		
CHILD'S NAME:		
ORDERS UNDER WELFARE AND INSTITUTIONS CODE SECTIONS 366.24, 366.26, 727.3, 727.31		CASE NUMBER:

Child's Name:	Date of birth:	Age:
Parent's name (if known):		
Parent's name (if known):		
Parent's name (if known):		

1. a. Hearing date: Time: Dept.: Room:
- b. Judicial officer:
- c. Parties and attorneys present:

2. ☐ The court has read and considered the assessment prepared under Welf. & Inst. Code, §§ 361.5(g), 366.21(i), 366.22(c), 366.25(b), or 727.31(b) and the report and recommendation of the
☐ social worker ☐ probation officer ☐ and other evidence.
3. ☐ The court has considered the wishes of the child, consistent with the child's age, and all findings and orders of the court are made in the best interest of the child.

THE COURT FINDS AND ORDERS

4. a. ☐ Notice has been given as required by law.
- b. (1) ☐ The court has reviewed *Parental Notification of Indian Status* (form ICWA-020), evidence taken at earlier hearings, and reports and evidence filed by the agency. The court finds that the court and the agency have fulfilled their affirmative and ongoing duty of inquiry to determine whether the child is or may be an Indian child, including interviewing available extended family members, and that there is no reason to believe or know that the child is or may be an Indian child.
- (2) ☐ This case involves an Indian child, and the court finds that notice has been given to the parents, Indian custodian, Indian child's tribe, and the Bureau of Indian Affairs (BIA) in accordance with Welf. & Inst. Code, § 224.3; the original certified mail receipts, return cards, copies of all notices, and any responses to those notices are in the court file.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

5. ☐ For a child 10 years of age or older who is not present,
- ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
 - ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present, and
 - ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
 - ☐ it is in the best interest of the child not to continue the hearing.
6. ☐ The court takes judicial notice of all prior findings, orders, and judgments in this proceeding.
7. ☐ The court previously made **an order** denying or terminating reunification services, under Welf. & Inst. Code, §§ 361.5, 366.21, 366.22, 366.25, 727.2, or 727.3, for
- ☐ parent (name):
- ☐ parent (name):
- ☐ parent (name):
8. a. ☐ The court finds, by clear and convincing evidence, that it is likely the child will be adopted.
- b. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
- ☐ the court has heard and considered all relevant, admissible evidence, including
 - ☐ qualified expert witness testimony provided by (name of witnesses) and
 - ☐ evidence regarding the prevailing social and cultural practices of the child's tribe; and
 - ☐ the court finds beyond a reasonable doubt that continued physical custody by the ☐ mother ☐ father ☐ Indian custodian ☐ Other (name and relationship to child): ☐ Other (name and relationship to child): is likely to result in serious emotional or physical damage to the child.
9. The parental rights of
- ☐ parent (name):
 - ☐ parent (name):
 - ☐ parent (name):
 - ☐ alleged fathers (names):
 - ☐ unknown mother ☐ all unknown fathers
- are terminated, adoption is the child's permanent plan, and the child is referred to the California Department of Social Services or a local licensed adoption agency for adoptive placement.
- f. **The adoption is likely to be finalized by (date):**
(If item 9 is completed, skip items 10–18 and go directly to item 19.)
10. This case involves an Indian child. The parental rights of
- ☐ parent (name):
 - ☐ parent (name):
 - ☐ parent (name):
 - ☐ Indian custodians (names):
 - ☐ alleged fathers (names):
 - ☐ unknown mother ☐ all unknown fathers
- are modified in accordance with the tribal customary adoption order of the (specify): _____ tribe, dated _____ and comprising _____ pages, which is accorded full faith and credit and fully incorporated herein. The child is referred to the California Department of Social Services or a local licensed adoption agency for tribal customary adoptive placement in accordance with the tribal customary adoption order.
(If item 10 is completed, skip items 11–18 and go directly to item 19.)



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

11. ☐ The child is living with a relative who is unable or unwilling to adopt the child because of circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of giving the child a stable and permanent home through legal guardianship. Removal of the child from the custody of this relative would be detrimental to the child's emotional well-being. *(If item 11 is checked, skip items 12–14 and go directly to item 15 (guardianship).)*
12. ☐ Termination of parental rights would be detrimental to the child for the following reasons: *(If item 12 is checked, check the applicable reasons below, skip items 13–14, and go directly to item 15 (guardianship), 16 (permanent placement with a relative) or 17 (continued foster care).)*
- a. ☐ The parents or guardians have maintained regular visitation and contact with the child, and the child would benefit from continuing the relationship.
 - b. ☐ The child is 12 years of age or older and objects to termination of parental rights.
 - c. ☐ The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent a permanent family placement if the parents cannot resume custody when residential care is no longer needed.
 - d. ☐ The child is living with a foster parent or Indian custodian who is unable or unwilling to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment. Removal of the child from the physical custody of the foster parent or Indian custodian would be detrimental to the emotional well-being of the child.
NOTE: Do not check item 12d if the child is either
 - (1) under the age of 6; or
 - (2) a member of a sibling group, at least one member of which is under the age of 6, that is or should be placed together.
 - e. ☐ There would be substantial interference with the child's sibling relationship.
 - f. ☐ The child is an Indian child, and there are compelling reasons for determining that termination of parental rights would not be in the best interest of the child, including, but not limited to the following:
 - (1) Termination of parental rights would substantially interfere with the child's connection to the tribal community or the child's tribal membership rights.
 - (2) The child's tribe has identified guardianship or another permanent plan for the child.
13. ☐ Termination of parental rights would not be detrimental to the child, but the child is difficult to place for adoption and there is no identified or available prospective adoptive parent for the child because the child *(check the applicable reason or reasons below and complete item 14)*
- a. ☐ is a member of a sibling group that should stay together.
 - b. ☐ has a diagnosed medical, physical, or mental disability.
 - c. ☐ is 7 years of age or older.
14. a. ☐ Termination of parental rights is not ordered at this time. Adoption is the permanent plan, and efforts are to be made to locate an appropriate adoptive family. A report to the court is due by *(date, not to exceed 180 days from the date of this order)*:
(Do not check item 14a for a tribal customary adoption. If item 14a is checked, provide for visitation in items 14b and 14c, as appropriate, skip items 15–18, and go directly to item 19.)
- b. ☐ Visitation between the child and
- (1) ☐ parent *(name)*:
 - (2) ☐ parent *(name)*:
 - (3) ☐ legal guardian *(name)*:
 - (4) ☐ other *(name)*:
is scheduled as follows *(specify)*:



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

14. c. ☐ Visitation between the child and (names):
is detrimental to the child's physical or emotional well-being and is terminated.

15. ☐ The child's permanent plan is legal guardianship.

☐ (Name):
is appointed guardian of the child's person ☐ and estate. The clerk is ordered to issue *Letters of Guardianship* once the appointed guardian has signed the required oath or affirmation. This appointment is not effective until the *Letters* have issued.
(Do not check item 15 for a tribal customary adoption. If item 15 is checked, provide for visitation in items 15a and 15b, as appropriate, complete item 15c or 15d, then skip item 16–18 and go directly to item 19.)

a. ☐ Visitation between the child and

- (1) ☐ parent (name):
(2) ☐ parent (name):
(3) ☐ legal guardian (name):
(4) ☐ other (name):
is scheduled as follows (specify):

b. ☐ Visitation between the child and (names):
is detrimental to the child's physical or emotional well-being and is terminated.

c. ☐ Dependency ☐ Wardship jurisdiction is terminated.

(If the child is a dependent and the appointed guardian is a relative or nonrelative extended family member whose home has been approved as a resource family home for at least six months, the court must terminate dependency unless the guardian objects or the court makes a finding of exceptional circumstances.)

The juvenile court retains jurisdiction over the guardianship under Welf. & Inst. Code, § 366.4 or § 728(e).

d. ☐ Dependency ☐ Wardship jurisdiction is not terminated. Dependency or wardship jurisdiction is likely to be terminated by (date):

16. ☐ The child's permanent plan is permanent placement with (name): , a fit and willing relative,
subject to the periodic review of the juvenile court under Welf. & Inst. Code, § 366.3 or § 727.2.

The likely date by which the child's permanent plan will be achieved is (specify date):
(If item 16 is checked, skip item 17, provide for visitation in item 18, as appropriate, and go to item 19.)

17. ☐ The child remains placed in foster care with (name of placement):

a. ☐ with a permanent plan of (check one):

- (1) ☐ returning home.
(2) ☐ adoption.
(3) ☐ tribal customary adoption.
(4) ☐ legal guardianship.
(5) ☐ placement with a fit and willing relative.

b. ☐ The child is 16 years of age or older and no other permanent plan is appropriate at this time. The child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to

☐ return home.	☐ establish a legal guardianship.
☐ place for adoption.	☐ place with a fit and willing relative.
☐ Other (specify):	



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

17. c. The barriers to achieving the permanent plan in items 17a and 17b are:

d. The child, if 10 years of age or older, has identified the following individuals, other than the child's siblings, who are important to the child (*specify*):

e. **The child's permanent plan is likely to be achieved by (date):**

(If item 17 is checked, provide for visitation in item 18, as appropriate, and go to item 19.)

18. The child is permanently placed with a relative or remains placed in foster care (*if item 16 or 17 is checked*).

a. ☐ Visitation between the child and

(1) ☐ parent (*name*):

(2) ☐ parent (*name*):

(3) ☐ legal guardian (*name*):

(4) ☐ other (*name*):

is scheduled as follows (*specify*):

b. ☐ Visitation between the child and (*names*):

is detrimental to the child's physical or emotional well-being and is terminated.

19. ☐ The child is an Indian child. The court finds that the child's permanent plan complies with the placement preferences because

a. ☐ the permanent plan is not adoption, and (*check one*):

(1) ☐ the child is placed with a member of the child's extended family, as defined by Welf. & Inst. Code, § 224.1(c); or

(2) ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or

(3) ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or

(4) ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or

(5) ☐ the child is placed in accordance with the preferences established by the tribe; or

(6) ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

b. ☐ the permanent plan is adoption, and (*check one*):

(1) ☐ the child is placed with a member of the child's extended family; or

(2) ☐ a diligent search was made for a placement with a member of the child's extended family, those efforts are documented in detail in the record, and the child is placed with other members of the child's tribe; or

(3) ☐ a diligent search was made for a placement with a member of the child's extended family or other member of the child's tribe, those efforts are documented in detail in the record, and the child is placed with another Indian family; or



CHILD'S NAME:	CASE NUMBER:
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19. b. (4) ☐ the child is placed in accordance with the preferences established by the tribe; or
 (5) ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
20. ☐ The child's placement is necessary.
21. ☐ The child's placement is appropriate.
22. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
23. ☐ The child is missing or has run away from placement. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
24. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
25. ☐ The agency has complied with the case plan by making reasonable efforts, including whatever steps are necessary to finalize the permanent plan.
26. ☐ The child is an Indian child, and active efforts, as detailed in the record, ☐ were ☐ were not made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
 If active efforts were made, those efforts have proved ☐ successful ☐ unsuccessful.
27. The child is 14 years of age or older, and
- ☐ the services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ the services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ to assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
28. ☐ The child remains a ☐ dependent ☐ ward of the court. *(Do NOT check this item if item 15c is checked.)*
29. ☐ All prior orders not in conflict with this order remain in full force and effect.
30. ☐ Other *(specify)*:



CHILD'S NAME:	CASE NUMBER:
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31. ☐ Next hearing date: _____ Time: _____ Dept.: _____ Room: _____
- a. ☐ Continued hearing under Welf. & Inst. Code, § 366.26 for receipt of report on attempts to locate an appropriate adoptive family
- b. ☐ Continued hearing under Welf. & Inst. Code, § 366.24(c)(6) for receipt of the tribal customary adoption order
- c. ☐ Six-month postpermanency review
- d. ☐ Other (*specify*): _____

32. The

- a. ☐ parent (*name*): _____
- b. ☐ parent (*name*): _____
- c. ☐ parent (*name*): _____
- d. ☐ Indian custodian (*name*): _____
- e. ☐ child
- f. ☐ Other (*name*): _____
- g. ☐ Other (*name*): _____

have been advised of their appeal rights under California Rules of Court, rule 5.590.

Date: _____

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
CONTINUANCE—DEPENDENCY DETENTION HEARING	CASE NUMBER:

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (specify):
 filed on (date):

2. **Detention hearing**

- a. Date: e. Court reporter (name):
 b. Department: f. Bailiff (name):
 c. Judicial officer (name): g. Interpreter (name and language):
 d. Court clerk (name):

- | <u>h. Party (name):</u> | Present | <u>Attorney (name):</u> | Present | Appointed today |
|----------------------------------|--------------------------|-------------------------|--------------------------|--------------------------|
| (1) Child: | ☐ | | ☐ | ☐ |
| (2) Mother: | ☐ | | ☐ | ☐ |
| (3) Father—presumed: | ☐ | | ☐ | ☐ |
| (4) Father—biological: | ☐ | | ☐ | ☐ |
| (5) Father—alleged: | ☐ | | ☐ | ☐ |
| (6) Legal guardian: | ☐ | | ☐ | ☐ |
| (7) Indian custodian: | ☐ | | ☐ | ☐ |
| (8) De facto parent: | ☐ | | ☐ | ☐ |
| (9) County agency social worker: | ☐ | | ☐ | ☐ |
| (10) Tribal representative: | ☐ | | ☐ | ☐ |
| (11) Other (specify): | ☐ | | ☐ | ☐ |
- i. Others present in courtroom:
 (1) Court Appointed Special Advocate (CASA) volunteer (name):
 (2) Other (name):
 (3) Other (name):

THE COURT FINDS AND ORDERS:

3. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
4. ☐ a. The child will not benefit from representation by an attorney, and for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.



CHILD'S NAME:	CASE NUMBER:
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5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. **The court has informed and advised the**

- | | | | |
|---|--|---|--------------------------------|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ child |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | |
| ☐ other (specify): | | | |

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of:
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

7. The court has considered the information contained in

- a. ☐ the report of social worker dated:
- b. ☐ other (specify):
- c. ☐ other (specify):

and based on this information finds that continuance in the home is contrary to the child's welfare pending a further determination at the continued hearing.

8. ☐ The court grants the motion for continuance under **Welfare and Institutions Code section 322** made by the

- | | | | |
|---|--|---|--------------------------------|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ child |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | |
| ☐ other (specify): | | | |

9. ☐ A motion for continuance was made by the

- | | | | |
|---|--|---|--------------------------------|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ child |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | |
| ☐ other (specify): | | | |

and good cause exists for granting the continuance in that

- a. ☐ notice of the date, time, and location of the hearing was not given to (name):
- b. ☐ the child did not receive proper notice of the right to attend the hearing.
- c. ☐ other (specify):

The motion for the continuance is granted.



CHILD'S NAME:	CASE NUMBER:
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10. ☐ **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms):

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 b. ☐ *Visitation Attachment: Sibling* (form JV-401).
 c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

11. **Parentage**

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

12. **ICWA inquiry**

- a. On the record, the court has
- (1) ☐ asked each participant present at the hearing
 - whether the participant is aware of any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and, if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or the Indian custodian is on a reservation, rancheria, Alaska Native village, or other tribal trust land, and, if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.
 - (2) ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen or eligible for membership or citizenship in a tribe or Alaska Native village.
- b. Based on this inquiry and a review of the evidence of ICWA inquiry submitted for the hearing, (check one)
- (1) ☐ the court finds there is no reason to believe or reason to know the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
 - (2) ☐ the court finds there is reason to believe the child is an Indian child, and (check one)
 - (a) ☐ the record includes evidence that the agency has complied with Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
 - (b) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
 - (3) ☐ the court finds that there is reason to know that the child is an Indian child, and
 - (a) ☐ the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status; or
 - (b) ☐ the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or eligible for membership to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
 - (c) ☐ notice has been provided as required by law; and
 - (d) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
 - (4) ☐ the court finds that the child is an Indian child and the Indian Child Welfare Act applies. The child is a member or citizen of, or eligible for membership or citizenship and a biological child of a member or citizen, of the tribe.



CHILD'S NAME:	CASE NUMBER:
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13. The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.

14. The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

15. The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

were provided with a *Parental Notification of Indian Status* (form ICWA-020) and ordered to complete form ICWA-020 and to submit it to the court before leaving the courthouse today.

16. ☐ There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

17. The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

18. ☐ **Other findings and orders**

- a. ☐ See attached.
b. ☐ (Specify):

19. **All parties are ordered to return for the continued hearing:**

Hearing date:	Time:	Dept:	Room:
---------------	-------	-------	-------

20. **All prior orders not in conflict with this order remain in full force and effect.**

21. Number of pages attached: _____

Date: _____
JUDICIAL OFFICER

Countersignature for detention orders (if necessary):

Date: _____
JUDGE

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (*specify*):
 filed on (*date*):

a. Date:

b. Court reporter (*name*):

c. Department:

d. Bailiff (*name*):

e. Judicial officer (*name*):

f. Interpreter (*name and language*):

g. Court clerk (*name*):

h.	Party (<i>name</i>):	Present	Attorney (<i>name</i>):	Present	Appointed today
	(1) Child:	☐		☐	☐
	(2) Mother:	☐		☐	☐
	(3) Father—presumed:	☐		☐	☐
	(4) Father—biological:	☐		☐	☐
	(5) Father—alleged:	☐		☐	☐
	(6) Legal guardian:	☐		☐	☐
	(7) Indian custodian:	☐		☐	☐
	(8) De facto parent:	☐		☐	☐
	(9) County agency social worker:	☐		☐	☐
	(10) Tribal representative:	☐		☐	☐
	(11) Other (<i>specify</i>):	☐		☐	☐
i.	Others present in courtroom				
	(1) Court Appointed Special Advocate (CASA) volunteer (<i>name</i>):				
	(2) Other (<i>name</i>):				
	(3) Other (<i>name</i>):				

a. ☐ Report of social worker dated: _____

b. ☐ Report of CASA volunteer dated: _____

c. ☐ Other (*specify*): _____

d. ☐ Other (*specify*): _____



CHILD'S NAME:

CASE NUMBER:

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For a child 10 years of age or older who is not present**
- (1) ☐ The child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ The child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child to enable the child to be present.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
5. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
6. a. ☐ The child will not benefit from representation by an attorney and, for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
- (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
- (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate volunteer is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. ☐ A Court Appointed Special Advocate volunteer is appointed for the child.
8. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

9. Family finding

The county agency is ordered to make diligent efforts to locate and evaluate appropriate kin to provide family support and serve as a resource.

10. Indian Child Welfare Act (ICWA) inquiry

On the record, the court has

- a. ☐ asked each participant present at the hearing
- whether the participant is aware of any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and if yes, the name of the tribe or village;
 - whether the residence or domicile of the child, either of the child's parents, or Indian custodian is on a reservation or in an Alaska Native village and if yes, the name of the tribe or village;
 - whether the child is or was ever a ward of a tribal court, and if yes, the name of the tribe or village; and
 - if the child, either of the child's parents, or the child's Indian custodian possesses an identification card indicating membership or citizenship in a tribe or Alaska Native village, and if so, the name of the tribe or village.



CHILD'S NAME:	CASE NUMBER:
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10. b. ☐ instructed the participants to inform the court if they receive any information indicating that the child is a member or citizen of or eligible for membership or citizenship in a tribe or Alaska Native village.

11. ICWA status (check one):

- a. ☐ The court finds there is no reason to believe or reason to know the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts; or
- b. ☐ The court finds there is reason to believe the child is an Indian child; and
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs, the California Department of Social Services, and/or others.
- c. ☐ The court finds that there is reason to know that the child is an Indian child, and
- (1) ☐ the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or
- (2) ☐ the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court; and
- (3) ☐ notice has been provided as required by law; and
- (4) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The court finds that the child is an Indian child and a member of the: _____ tribe.

12. ICWA jurisdiction

- a. It is known or there is reason to know that the child is an Indian child. The court finds (check one):
- (1) ☐ that the court has jurisdiction over the proceeding because
- (a) the residence and domicile of the child are not on a reservation where the tribe exercises exclusive jurisdiction; and
- (b) the child is not already under the jurisdiction of a tribal court; or
- (2) ☐ the court does not have jurisdiction because the child is under the exclusive jurisdiction of the tribal court; or
- (3) ☐ that the child is under the exclusive jurisdiction of the tribal court, but that there is a basis for emergency jurisdiction in accordance with section 1922 of title 25 of the United States Code.

Advisements and waivers

13. The court has informed and advised the

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
- ☐ presumed father ☐ alleged father ☐ Indian custodian
- ☐ Other (specify): _____
- ☐ Other (specify): _____

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of the following:
- the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;



CHILD'S NAME:

CASE NUMBER:

13. b. • the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
- that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian, or Indian custodian; to subpoena witnesses; and to present evidence on their own behalf.

14. ☐ The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

15. ☐ **CHILD NOT DETAINED**

- a. ☐ Services that would prevent the need for further detention, including those set forth in item 18, are available.
- b. ☐ The child is returned to the custody of
☐ mother ☐ biological father ☐ legal guardian ☐ Other (specify):
☐ presumed father ☐ alleged father ☐ Indian custodian ☐ Other (specify):

16. ☐ **CHILD DETAINED**

- a. Services that would prevent the need for further detention are not available.
- b. A prima facie showing has been made that the child comes within Welf. & Inst. Code, § 300.
- c. Continuance in the parent's or legal guardian's home is contrary to the child's welfare **AND (check at least one):**
- ☐ there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the physical custody of the parent or legal guardian.
 - ☐ there is substantial evidence that a parent, legal guardian, or custodian of the child is likely to flee the jurisdiction of the court, and in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.
 - ☐ the child has left a placement in which they were placed by the juvenile court.
 - ☐ the child has been physically abused by a person residing in the home and is unwilling to return home.
 - ☐ the child has been sexually abused by a person residing in the home and is unwilling to return home.
- d. The child is detained, and temporary placement and care of the child is vested with the county child **welfare department** pending the hearing under Welf. & Inst. Code, § 355 or further order of the court.
- e. The initial removal of the child from the home was necessary for the reasons stated here or on the record:
- f. The facts on which the court bases its decision to order the child detained are stated here or were stated on the record:



CHILD'S NAME:	CASE NUMBER:
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16. g. The child is temporarily placed in

- (1) ☐ the home of a relative; an extended family member, as defined in Welf. & Inst. Code, § 224.1 and section 1903 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.); or a nonrelative extended family member, as defined in Welf. & Inst. Code, § 362.7, that has been assessed under Welf. & Inst. Code, § 361.4;
- (2) ☐ the approved home of a resource family, as described in Welf. & Inst. Code, § 16519.5, or a home licensed or approved by the Indian child's tribe;
- (3) ☐ an emergency shelter or other suitable licensed place; if a short-term residential therapeutic program or community treatment facility, a hearing to review the placement under Welf. & Inst. Code, § 361.22 is set for (date):
- (4) ☐ a place exempt from licensure designated by the juvenile court.
- h. Services, including those stated in item 18, are to be provided to the family as soon as possible to reunify the child with their family.
- i. ☐ Reasonable efforts were made to prevent or eliminate the need for removal from the home.
- j. ☐ Reasonable efforts were not made to prevent or eliminate the need for removal from the home.
- k. ☐ There is a relative who is able, approved, and willing to care for the child.
- l. ☐ A relative who is able, approved, and willing to care for the child is not available. This is a temporary finding and does not preclude later placement with a relative under Welf. & Inst. Code, § 361.3.
- m. ☐ Less disruptive alternatives to removal were considered by the agency.
- n. ☐ The impact of removal on the child was considered by the agency, including
 - (1) ☐ the relationship between the child and their parents, guardians, or Indian custodians, based on the child's perspective.
 - (2) ☐ the child's response to removal and, where developmentally appropriate, their perspective on removal.
 - (3) ☐ the relationship between the child and any siblings.
 - (4) ☐ the relationship between the child and other members of the household.
 - (5) ☐ any disruption to the child's schooling, social relationships, and physical or emotional health that may result from placement out of the home, and in the case of an Indian child, any impact on the child's connection to their tribe, extended family members, and tribal community.
 - (6) ☐ Other (specify):
- o. ☐ Orders necessary to alleviate any disruption or harm to the child resulting from removal were stated on the record or are stated here:

17. ☐ **CHILD DETAINED AND THERE IS REASON TO KNOW CHILD IS AN INDIAN CHILD**

- a. ☐ The evidence includes all the requirements of Welf. & Inst. Code, § 319(b).
- b. The agency (check (1) or (2))
 - (1) ☐ has made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family as detailed in the record, and these efforts have proved ☐ successful or ☐ unsuccessful;
 - or
 - (2) ☐ has not made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family; the agency is ordered to initiate or continue active efforts.
- c. ☐ For the reasons stated on the record, detention is necessary to prevent imminent physical damage or harm to the child.
- d. Either (check (1) or (2))
 - (1) ☐ The child's placement complies with the placement preferences stated in Welf. & Inst. Code, § 361.31 and less disruptive alternatives. The child is placed
 - (a) ☐ with a member of the child's extended family;
 - (b) ☐ in a foster home licensed, approved, or specified by the child's tribe;
 - (c) ☐ in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - (d) ☐ in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or



CHILD'S NAME:	CASE NUMBER:
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17. d. (2) ☐ For the reasons stated on the record, the court finds by clear and convincing evidence that there is good cause not to follow the placement preferences.

18. ☐ The services below will be provided pending further proceedings:

Service	Mother	Presumed father	Biological father	Legal guardian	Indian custodian	Other (specify):
a. ☐ Alcohol and drug testing	☐	☐	☐	☐	☐	☐
b. ☐ Substance abuse treatment	☐	☐	☐	☐	☐	☐
c. ☐ Parenting education	☐	☐	☐	☐	☐	☐
d. ☐ (Specify):	☐	☐	☐	☐	☐	☐
e. ☐ (Specify):	☐	☐	☐	☐	☐	☐
f. ☐ (Specify):	☐	☐	☐	☐	☐	☐

19. ☐ **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

20. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

must disclose to the county agency social worker the names, residences, and any known identifying information of any maternal or paternal relatives of the child.

21. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

must complete *Your Child's Health and Education* (form JV-225) or provide the necessary information for the county agency social worker to complete the form.

22. ☐ There is reason to know the child is an Indian child, and the county agency must provide notice under Welf. & Inst. Code, § 224.3 for any hearings that may result in the removal or foster care placement of the child, termination of parental rights, preadoptive placement, or adoptive placement. Proof of such notice must be filed with this court.

23. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

24. ☐ The parents, legal guardians, and Indian custodians must keep the court, the agency, and their attorneys advised of their current addresses and telephone numbers and provide written notification of any changes to their mailing addresses. The parents, legal guardians, and Indian custodians present during the hearing who had not previously submitted a *Notification of Mailing Address* (form JV-140) or its equivalent were provided with and ordered to complete the form or its equivalent and to submit it to the court before leaving the courthouse today.



CHILD'S NAME:	CASE NUMBER:
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25. ☐ The next hearing is scheduled as follows:

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ Jurisdictional hearing
- b. ☐ Dispositional hearing
- c. ☐ Settlement conference
- d. ☐ Mediation
- e. ☐ Other (*specify*):

26. All prior orders not in conflict with this order remain in full force and effect.

27. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

Countersignature for detention orders (*if necessary*):

Date: _____

JUDGE

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER JURISDICTIONAL HEARING (Welf. & Inst. Code, § 356)	CASE NUMBER:

1. This matter came before the court on the
☐ original petition ☐ subsequent petition ☐ supplemental petition ☐ other (specify):
 filed on (date):

2. Jurisdictional hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

h. <u>Party (name):</u>	Present	Attorney (name):	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (name):
- (2) Other (name):
- (3) Other (name):

3. The court has read and considered and admits the following into evidence:

- a. ☐ Report of social worker dated:
- b. ☐ Report of CASA volunteer dated:
- c. ☐ Case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):



CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS:

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of their right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
5. **ICWA inquiry and status (check one):**
- a. ☐ The court and the agency have inquired as to whether the child is or may be an Indian child, and there is no reason to believe or reason to know the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and report to the court on its inquiry efforts.
- b. ☐ There is reason to believe that the child is or may be an Indian child, and the agency is ordered to complete further inquiry to determine the child's Indian status and report to the court on the results of that further inquiry.
- c. ☐ There is reason to know the child is an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- d. ☐ The child is an Indian child and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
6. ☐ The attorney appointed to represent the child as the child's attorney of record is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
7. ☐ a. The child will not benefit from representation by an attorney, and for the reasons stated on the record, the court finds
- (1) the child understands the nature of the proceedings;
 - (2) the child is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and
 - (3) under the circumstances of the case, the child would not gain any benefit from being represented by counsel.
- b. A Court Appointed Special Advocate is appointed for the child, and that person is also appointed as the child's Child Abuse Prevention and Treatment Act guardian ad litem.
8. ☐ A Court Appointed Special Advocate is appointed for the child.
9. The child's county of residence is:
10. The child's date of birth is (specify):

11. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
 - (2) alleged parent (name):
 - (3) alleged parent (name):

Advisements and waivers

12. a. ☐ The petition was read to those present at the beginning of this jurisdictional hearing.
- b. ☐ Reading of the petition was waived by all those present at the beginning of this jurisdictional hearing.



CHILD'S NAME:	CASE NUMBER:
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13. The court has informed and advised the

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

of the following:

- a. The right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.
- b. The right to be informed by the court of
 - the contents of the petition;
 - the nature of and possible consequences of juvenile court proceedings;
 - the reasons for the initial detention and the purpose and scope of the detention hearing if the child is detained;
 - the right to have a child who is detained immediately returned to the home of the parent, legal guardian, or Indian custodian if the petition is not sustained;
 - that if the petition is sustained and the child is removed from the care of the parent, legal guardian, or Indian custodian, the time for services will commence on the date the petition is sustained or 60 days from the date of the initial removal, whichever is earlier;
 - that the time for services will not exceed 12 months for a child aged three years or over at the time of the initial removal; and
 - that the time for services will not exceed 6 months for a child under the age of three years at the time of the initial removal or for the member of a sibling group that includes such a child if the parent, legal guardian, or Indian custodian fails to participate regularly and make substantive progress in any court-ordered treatment program.
- c. The right to a hearing by the court on the issues presented by the petition.
- d. The right to assert the privilege against self-incrimination; to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner and the witnesses called to testify against the parent, legal guardian; or Indian custodian; to subpoena witnesses; and to present evidence on his or her own behalf.

14. ☐ On the motion of the petitioner, the following allegations are stricken:

15. ☐ The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on one's own behalf.

16. ☐ The ☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

understands the nature of the conduct alleged in the petition and the possible consequences of his or her admission, plea of no contest, or submission.



CHILD'S NAME:

CASE NUMBER:

17. ☐ Party	Admits	Submits	Pleads no contest	To petition as amended on (specify date):
a. ☐ Mother	☐	☐	☐	
b. ☐ Presumed father	☐	☐	☐	
c. ☐ Biological father	☐	☐	☐	
d. ☐ Alleged father	☐	☐	☐	
e. ☐ Legal guardian	☐	☐	☐	
f. ☐ Indian custodian	☐	☐	☐	
g. ☐ Other (specify):	☐	☐	☐	

18. ☐ There is a factual basis for the admission.

19. ☐ By a preponderance of the evidence, the allegations stated below are true:

- a. ☐ as stated in the petition as originally filed.
- b. ☐ as stated in the petition as amended on (date):
- (1) ☐ by agreement of the parties.
- (2) ☐ by the court to conform to proof.

20. ☐ The allegations (specify):

as stated in the petition ☐ as amended on (date):

are not proven and are ordered stricken.

21. ☐ The allegations of the petition are not sustained.

22. ☐ The petition is sustained under, and the child is a person described by, Welf. & Inst. Code, § 300 (check all that apply):

☐ 300(a) ☐ 300(c) ☐ 300(e) ☐ 300(g) ☐ 300(i)
☐ 300(b) ☐ 300(d) ☐ 300(f) ☐ 300(h) ☐ 300(j)

23. ☐ The previous disposition has not been effective in the protection of the child.

24. ☐ The county agency is ordered to immediately return the child to the

☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

25. ☐ The child and the

☐ mother ☐ biological father ☐ legal guardian
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (specify):

are placed under the supervision of the county agency for a minimum of six months under their voluntary agreement to informal supervision and the provision of services designed to keep the family together as stated in the family's case plan.



CHILD'S NAME:	CASE NUMBER:
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26. ☐ **Contact with the child is ordered as stated in** (*check appropriate boxes and attach indicated forms*)
- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

27. **All prior orders not in conflict with this order remain in full force and effect.**

28. ☐ **Other findings and orders:**

- a. ☐ See attached.
- b. ☐ (*Specify*):

29. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ Dispositional hearing
- b. ☐ Settlement conference
- c. ☐ Mediation
- d. ☐ Other (*specify*):

30. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

31. Number of pages attached: _____

Date:

JUDICIAL OFFICER

CHILD'S NAME:	CASE NUMBER:
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3. b. ☐ Report of CASA volunteer dated:
- c. ☐ Case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):
- f. ☐ Testimony of qualified expert witness under the Indian Child Welfare Act

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

4. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For child 10 years of age or older who is not present:** The child was properly notified under Welf. & Inst. Code, § 349(d) of their right to attend the hearing, was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
5. ☐ A Court Appointed Special Advocate is appointed for the child.

6. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

7. ICWA inquiry

- a. ☐ The court finds that the social worker or probation officer has asked the child, if old enough, and their parents or legal guardians, and the following relatives: , whether there is information that provides reason to know the child is an Indian child.
- b. ☐ The court, on the record, has asked the child, if old enough, and their parents or legal guardians, all participants in the proceedings, and the following relatives: , whether there is information indicating the child is an Indian child.
- c. ☐ The parties were instructed to inform the court if they receive any information indicating that the child is an Indian child.
- d. ☐ The court finds that there is no reason to know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- ☐ The court finds that there is reason to know that the child is an Indian child; and
- (1) the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes of which the child may be a member or citizen or eligible for membership or citizenship to verify the child's status;
- (2) notice has been provided as required by law; and
- (3) the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- e. ☐ The court finds that the child is an Indian child and the Indian Child Welfare Act applies. The child is a member or citizen of, or eligible for membership or citizenship and a biological child of a tribal member or citizen, of the tribe.



CHILD'S NAME:	CASE NUMBER:
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Advisements and waivers**8. The court informed and advised the**

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

9. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on his or her own behalf.

10. ☐ Sibling group

The child and the child's siblings listed below form a sibling group in which at least one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time.

Sibling (*name*):

- a.
b.
c.
d.
e.
f.

11. Disposition is ordered as stated in (*check appropriate box and attach indicated form*)

- a. ☐ *Dispositional Attachment: Dismissal of Petition With or Without Informal Supervision (Welf. & Inst. Code, § 360(b))* (form JV-416), which is attached and incorporated by reference.
- b. ☐ *Dispositional Attachment: In-Home Placement With Formal Supervision (Welf. & Inst. Code, § 361)* (form JV-417), which is attached and incorporated by reference.
- c. ☐ *Dispositional Attachment: Appointment of Guardian (Welf. & Inst. Code, § 360(a))* (form JV-418), which is attached and incorporated by reference.
- d. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Previously Noncustodial Parent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-420), which is attached and incorporated by reference.
- e. ☐ *Dispositional Attachment: Removal From Custodial Parent—Placement With Nonparent (Welf. & Inst. Code, §§ 361, 361.2)* (form JV-421), which is attached and incorporated by reference.

12. The child's rights under Welf. & Inst. Code, § 388 and the procedure for bringing a petition under Welf. & Inst. Code, § 388, including the availability of appropriate and necessary forms, were provided to the child as follows:

- a. ☐ Child under the age of 12 years, through the child's attorney of record or guardian ad litem
- b. ☐ Child 12 years of age or older who was present at the hearing, on the record and in writing by handing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)
- c. ☐ Child 12 years of age or older who was not present at the hearing, in writing by mailing the child a copy of *Child's Information Sheet—Request to Change Court Order* (form JV-185)



CHILD'S NAME:	CASE NUMBER:
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13. ☐ **Contact with the child is ordered as stated in** (check appropriate *boxes* and attach indicated *forms*)
- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
 - b. ☐ *Visitation Attachment: Sibling* (form JV-401).
 - c. ☐ *Visitation Attachment: Grandparent* (form JV-402).
14. The child's medical, dental, mental health, and educational information required by Welfare and Institutions Code section 16010 was provided by the ☐ mother ☐ biological father ☐ legal guardian ☐ presumed father ☐ alleged father ☐ Indian custodian ☐ other (*specify*):

15. **All prior orders not in conflict with this order remain in full force and effect.**

16. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (*Specify*):

17. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Six-month permanency hearing (Welf. & Inst. Code, § 366.21(e))
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept:	Room:
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ Other (*specify*):

18. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

19. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

For Your Information

You may have a right to appellate review of some or all of the orders made during this hearing. Contact your attorney to discuss your appellate rights. Decisions made at the next hearing may also be subject to appellate review. If you do not attend the next hearing you may not be advised of your appellate rights. Contact your attorney if you miss the next hearing and want to discuss your appellate rights.

CHILD'S NAME:

CASE NUMBER:

**DISPOSITIONAL ATTACHMENT:
REMOVAL FROM CUSTODIAL PARENT—PLACEMENT WITH NONPARENT
(Welf. & Inst. Code, §§ 361, 361.2)**

1. ☐ The child is a person described by Welf. & Inst. Code, § 300 (*check all that apply*)
- | | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---------------------------------|
| ☐ 300(a) | ☐ 300(c) | ☐ 300(e) | ☐ 300(g) | ☐ 300(i) |
| ☐ 300(b) | ☐ 300(d) | ☐ 300(f) | ☐ 300(h) | ☐ 300(j) |
- and is adjudged a dependent of the court.

Circumstances justifying removal from custodial parent

2. ☐ There is clear and convincing evidence of the circumstances stated in Welf. & Inst. Code, § 361 regarding the persons specified below (*check all that apply*):
- | | 361(c)(1) | 361(c)(2) | 361(c)(3) | 361(c)(4) | 361(c)(5) |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. ☐ Mother | ☐ | ☐ | ☐ | ☐ | ☐ |
| b. ☐ Presumed father | ☐ | ☐ | ☐ | ☐ | ☐ |
| c. ☐ Biological father | ☐ | ☐ | ☐ | ☐ | ☐ |
| d. ☐ Legal guardian | ☐ | ☐ | ☐ | ☐ | ☐ |
| e. ☐ Indian custodian | ☐ | ☐ | ☐ | ☐ | ☐ |
| f. ☐ Other (<i>specify</i>): | ☐ | ☐ | ☐ | ☐ | ☐ |
| g. ☐ Other (<i>specify</i>): | ☐ | ☐ | ☐ | ☐ | ☐ |
3. Reasonable efforts ☐ were ☐ were not made to prevent or eliminate the need for removal from the home.

ICWA status

4. ☐ The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village and reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds that there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
5. ☐ The child is an Indian child, ☐ there is reason to know that the child is an Indian child, and
- qualified expert witness testimony was provided by _____; and
 - evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother	☐ Biological father	☐ Legal guardian
☐ Presumed father	☐ Indian custodian	
☐ Other (<i>specify</i>):		
☐ Other (<i>specify</i>):		
6. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child as set out in detail in the record, and
- affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;



CHILD'S NAME:

CASE NUMBER:

6. d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, utilizing the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

7. **Based on the facts stated on the record, continuance in the home is contrary to the child's welfare and physical custody is removed from** (check all that apply)

- ☐ mother ☐ biological father ☐ legal guardian
- ☐ presumed father ☐ Indian custodian
- ☐ Other (specify):
- ☐ Other (specify):

Family finding and engagement

8. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement.
- (1) ☐ The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) ☐ The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Case plan development

9. a. ☐ The county agency solicited and integrated into the case plan the input of the ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe ☐ Other (specify):
- ☐ Other (specify):
- b. ☐ The county agency did not solicit and integrate into the case plan the input of the ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe ☐ Other (specify):
- ☐ Other (specify):
- and the agency is ordered to do so and submit an updated case plan within 30 days of the date of this hearing.
- c. ☐ The county agency did not solicit and integrate into the case plan the input of the ☐ child ☐ mother ☐ father ☐ representative of child's identified Indian tribe ☐ Other (specify):
- ☐ Other (specify):
- and the county agency is not required to do so because these persons are unable, unavailable, or unwilling to participate.

Custody and placement

10. ☐ The ☐ mother ☐ presumed father ☐ biological father did not reside with the child at the time the petition was filed and ☐ does ☐ does not desire custody of the child.
- a. ☐ By clear and convincing evidence, placement with the following parent would be detrimental to the safety, protection, or physical or emotional well-being of the child:
- ☐ Mother ☐ Presumed father ☐ Biological father
- b. ☐ The factual basis for the findings in this item is stated on the record.
11. ☐ **The care, custody, control, and conduct of the child is under the supervision of the county agency for placement**
- a. ☐ in the approved home of a relative.
- b. ☐ in the approved home of a nonrelative extended family member.
- c. ☐ in the approved home of a resource family, as defined in Welf. & Inst. Code, § 16519.5 or a home that is pending approval under Welf & Inst. Code, § 16519.5(e)(1).



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

11. d. ☐ with a foster family agency for placement in a foster family home.
 e. ☐ in a suitable licensed community care facility.
 f. ☐ in a short-term residential therapeutic program or community treatment facility. A hearing to review the placement under Welf. & Inst. Code, § 361.22 was held on or is set for (date):

12. ☐ **Placement with the child's relative, (name):**
 has been independently considered by the court and is denied for the reasons stated on the record.

Placement of an Indian child

13. ☐ The child is an Indian child or there is reason to know the child is an Indian child. Currently (check one)
 a. ☐ the child is placed with a member of the child's extended family as defined by section 1903 of title 25 of the United States Code; or
 b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 d. ☐ a diligent search was made for a placement with a member of the child's extended family, or in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 e. ☐ the child is placed in accordance with the preferences established by the tribe; or
 f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

14. The child's out-of-home placement is necessary.

15. ☐ The child's current placement is appropriate.

16. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.

17. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.

18. ☐ The child's current placement is not appropriate. The county agency must locate an appropriate placement for the child.

- a. ☐ The matter is continued to the date and time indicated in form JV-415, item 17 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 b. ☐ Other (specify):

19. ☐ For a child placed in short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.

20. ☐ The child is placed outside the state of California, and that out-of-state placement

- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
 b. ☐ is not the most appropriate placement for the child and is not in the best interest of the child.
 The matter is continued to the date and time indicated in form JV-415, item 18 for a ☐ written ☐ oral report by the county agency on the progress made toward

(1) ☐ returning the child to California and locating an appropriate placement within California.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

20. b. (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):

Reunification services

21. ☐ **Provision of reunification services to the biological father** ☐ will ☐ will not benefit the child.
22. ☐ **The mother is incarcerated** and is seeking to participate in the Department of Corrections and Rehabilitation community treatment program.
- a. ☐ Participation in the program ☐ is ☐ is not in the child's best interest.
- b. ☐ The program ☐ is ☐ is not suitable to meet the needs of the mother and child.
23. ☐ The
- ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is incarcerated, and reasonable reunification services are
- a. ☐ granted.
- b. ☐ denied because, by clear and convincing evidence, providing reunification services would be detrimental to the child.
24. ☐ **As provided in Welf. & Inst. Code, § 361.5(b), by clear and convincing evidence,**
- a. the ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is a person described in Welf. & Inst. Code, § (choose all that apply)
- ☐ 361.5(b)(3) ☐ 361.5(b)(7) ☐ 361.5(b)(9) ☐ 361.5(b)(11) ☐ 361.5(b)(13) ☐ 361.5(b)(16)
- ☐ 361.5(b)(4) ☐ 361.5(b)(8) ☐ 361.5(b)(10) ☐ 361.5(b)(12) ☐ 361.5(b)(15) ☐ 361.5(b)(17)
- and reunification services are
- (1) ☐ granted because, by clear and convincing evidence reunification is in the best interest of the child.
- (2) ☐ denied.
- b. The ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is a person described in Welf. & Inst. Code, § 361.5(b)(1), and a reasonably diligent search has failed to locate the person. Reunification services are denied.
- c. The ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is a person described in Welf. & Inst. Code, § 361.5(b)(2), and reunification services are
- (1) ☐ granted.
- (2) ☐ denied because the person, even with the provision of services, is unlikely to be capable of adequately caring for the child within the statutory time limits.
- d. The ☐ mother ☐ legal guardian ☐ Other (specify):
- ☐ presumed father ☐ Indian custodian ☐ Other (specify):
- is a person described in Welf. & Inst. Code, § 361.5(b)(5), and reunification services are
- (1) ☐ granted because
- (a) ☐ reunification services are likely to prevent reabuse or neglect.
- (b) ☐ the failure to try reunification will be detrimental to the child because the child is closely and positively bonded to the person.
- (2) ☐ denied.



CHILD'S NAME:

CASE NUMBER:

24. e. The ☐ mother ☐ legal guardian
☐ presumed father ☐ Indian custodian
☐ other person who is a legal parent of the child (*name*):
☐ Other (*specify*):

is a person described in Welf. & Inst. Code, § 361.5(b)(6), and reunification services are

- (1) ☐ granted because by clear and convincing evidence reunification is in the best interest of the child.
(2) ☐ denied because the child or the child's sibling suffered severe sexual abuse or the infliction of severe physical harm by the person, and it would not benefit the child to pursue reunification with that person.
(3) ☐ The factual basis for the findings in this item is stated on the record.

- f. The ☐ mother ☐ legal guardian ☐ Other (*specify*):
☐ presumed father ☐ Indian custodian ☐ Other (*specify*):

is a person described in Welf. & Inst. Code, § 361.5(b)(14). The court advised the person of any right to services and the possible consequences of a waiver. The person executed *Waiver of Reunification Services* (form JV-195), and the court accepts the waiver, the person having knowingly and intelligently waived the right to services. Reunification services are denied.

- g. **The county agency must provide reunification services**, and the following must participate in the reunification services stated in the case plan:

- ☐ Mother ☐ Biological father ☐ Presumed father ☐ Other (*specify*):
☐ Indian custodian ☐ Legal guardian ☐ Other (*specify*):

25. **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*specify*):

Efforts

26. The county agency ☐ has ☐ has not complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete any steps necessary to finalize the permanent placement of the child.

27. **The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:**

	None	Minimal	Adequate	Substantial	Excellent
☐ Mother	☐	☐	☐	☐	☐
☐ Presumed father	☐	☐	☐	☐	☐
☐ Biological father	☐	☐	☐	☐	☐
☐ Legal guardian	☐	☐	☐	☐	☐
☐ Indian custodian	☐	☐	☐	☐	☐
☐ Other (<i>specify</i>):	☐	☐	☐	☐	☐
☐ Other (<i>specify</i>):	☐	☐	☐	☐	☐

Siblings

28. ☐ **The child does not have siblings under the court's jurisdiction.**
29. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.



CHILD'S NAME:

CASE NUMBER:

Health and education

30. a. The child's educational needs ☐ are ☐ are not being met.
 b. The child's physical needs ☐ are ☐ are not being met.
 c. The child's mental health needs ☐ are ☐ are not being met.
 d. The child's developmental needs ☐ are ☐ are not being met.
31. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.
32. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 30 or other concerns are
 a. ☐ stated in the social worker's report.
 b. ☐ specified here:
33. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):
34. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
 b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
35. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 32:
 a. ☐ Social worker
 b. ☐ Parent (*name*):
 c. ☐ Surrogate parent (*name*):
 d. ☐ Educational representative (*name*):
 e. ☐ Other (*name*):
36. ☐ The child's education placement has changed since the date the child was physically removed from the home.
 a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 b. ☐ The child is enrolled in school.
 c. ☐ The child is attending school.
37. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
 (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 (2) ☐ the name of the support person(s) to assist the child is:
 the support person's relationship(s) to the child is:



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

37. a. (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
- (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
- (a) ☐ stated on the record.
- (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
38. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
39. ☐ **Child 14 years of age or older**
- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

Advisements

40. ☐ Child under three years of age on the date of initial removal from the physical custody of the child's parent or guardian, or for a child in a sibling group whose members were removed from parental custody at the same time, and in which one member of the sibling group was under three years of age on the date of initial removal from the physical custody of the child's parent or guardian.
- a. **Failure to participate regularly and make substantive progress in court-ordered treatment programs may result in the termination of reunification services** for all or some members of the sibling group at the hearing scheduled on a date within six months from the date the child entered foster care under Welf. & Inst. Code, § 366.21(e).

Six-month hearing date:

- b. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), the court will consider the following factors in deciding whether to limit reunification services to six months for all or some members of the sibling group:
- Whether the sibling group was removed from parental care as a group;
 - The closeness and strength of the sibling bond;
 - The ages of the siblings;
 - The appropriateness of maintaining the sibling group;
 - The detriment to the child if sibling ties are not maintained;
 - The likelihood of finding a permanent home for the sibling group;
 - Whether the sibling group is currently placed in the same preadoptive home or has a concurrent plan goal of legal permanency in the same home;
 - The wishes of each child whose age and physical and emotional condition permits a meaningful response; and
 - The best interest of each child in the sibling group.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

40. c. **At the six-month hearing** under Welf. & Inst. Code, § 366.21(e), if the child is not returned to the custody of a parent, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

41. ☐ **Child three years of age or older who is not a member of a sibling group as described in Welf. & Inst. Code, § 361.5(a)(1)(C).** The court informed all parties present at the time of the hearing and further advises all parties that, because the child was three years of age or older with no siblings under the age of three years at the time of initial removal, if the child is not returned to the custody of a parent at the Welf. & Inst. Code, § 366.21(f) permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. The selection and implementation hearing **may result in the termination of parental rights and adoption of the child or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child.**

Twelve-month permanency hearing date:

42. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, the court found that reunification services were not to be provided to the child's parents, legal guardian, or Indian custodian under Welf. & Inst. Code, § 361.5(b).
- c. The county agency and the licensed county adoption agency or the California Department of Social Services acting as an adoption agency will prepare and serve an assessment report as described in Welf. & Inst. Code, § 361.5(g).
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.695(f)(10) of the California Rules of Court to any party not present.
- e. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who had relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- f. **The likely date** by which the permanent plan will be achieved is (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER SIX-MONTH STATUS REVIEW HEARING (Welf. & Inst. Code, § 366.21(e))	CASE NUMBER:

1. Six-month status review hearing

- | | |
|--------------------------------------|--|
| a. Date: | e. Court reporter (<i>name</i>): |
| b. Department: | f. Bailiff (<i>name</i>): |
| c. Judicial officer (<i>name</i>): | g. Interpreter (<i>name and language</i>): |
| d. Court clerk (<i>name</i>): | |

- | | Present | Attorney (<i>name</i>): | Present | Appointed
today |
|--|--------------------------|---------------------------|--------------------------|--------------------------|
| h. <u>Party (<i>name</i>):</u> | | | | |
| (1) Child: | ☐ | | ☐ | ☐ |
| (2) Mother: | ☐ | | ☐ | ☐ |
| (3) Father—presumed: | ☐ | | ☐ | ☐ |
| (4) Father—biological: | ☐ | | ☐ | ☐ |
| (5) Father—alleged: | ☐ | | ☐ | ☐ |
| (6) Legal guardian: | ☐ | | ☐ | ☐ |
| (7) Indian custodian: | ☐ | | ☐ | ☐ |
| (8) De facto parent: | ☐ | | ☐ | ☐ |
| (9) County agency social worker: | ☐ | | ☐ | ☐ |
| (10) Tribal representative: | ☐ | | ☐ | ☐ |
| (11) Other (<i>specify</i>): | ☐ | | ☐ | ☐ |
| (12) Other (<i>specify</i>): | ☐ | | ☐ | ☐ |
| i. Others present in courtroom: | | | | |
| (1) Court Appointed Special Advocate (CASA) volunteer (<i>name</i>): | | | | |
| (2) Other (<i>name</i>): | | | | |
| (3) Other (<i>name</i>): | | | | |

2. The court has read and considered and admits into evidence

- a. ☐ report of social worker dated:
- b. ☐ report of CASA volunteer dated:
- c. ☐ case plan dated:
- d. ☐ Other (*specify*):
- e. ☐ Other (*specify*):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

3. b. ☐ **For a child 10 years of age or older who is not present,**

- (1) ☐ the child was properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified under Welf. & Inst. Code, § 349(d) of the right to attend the hearing, or the child wished to be present and was not given an opportunity to be present, and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.

4. ☐ A Court Appointed Special Advocate is appointed for the child.

5. **Parentage**

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

6. **ICWA inquiry**

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- b. ☐ there is reason to believe the child is an Indian child, and (*check 1 or 2*):
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs if required, the California Department of Social Services if required, and others.
- c. ☐ there is reason to know that the child is an Indian child, and
- (1) the agency (*check A or B*):
- A. ☐ has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or
- B. ☐ is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court.
- (2) ☐ notice has been provided as required by law; and
- (3) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The child is a member or citizen of or eligible for membership or citizenship in, and a biological child of a tribal member or citizen of, the _____ tribe.



CHILD'S NAME:

CASE NUMBER:

Advisements and waivers**7. The court has informed and advised the**

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (*specify*):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (*specify*):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (*specify*): ☐ Other (*specify*):
- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (*specify*): ☐ Other (*specify*):
 The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.
- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (*specify*): ☐ Other (*specify*):
 The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts**10. The county agency**

- a. ☐ has
 b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or
☐ there is reason to know that the child is an Indian child, and as set out in detail in the record,

- a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;



CHILD'S NAME:	CASE NUMBER:
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11. b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

13. ☐ **The child does not have siblings under the court's jurisdiction.**
14. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
16. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (specify date):
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:



CHILD'S NAME:	CASE NUMBER:
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19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- ☐ Social worker
 - ☐ Parent (*name*):
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
20. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ the name of the support person(s) to assist the child is: _____
The support person's relationship(s) to the child is: _____
 - ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. ☐ **Child 14 years of age or older:**
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:



CHILD'S NAME:	CASE NUMBER:
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24. **Placement and services are ordered as stated in** (check appropriate **box** and attach indicated **form**)

- a. ☐ *Six-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(e))* (form JV-431), which is attached and incorporated by reference.
- b. ☐ *Six-Month Prepermanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(e))* (form JV-432), which is attached and incorporated by reference.
- c. ☐ *Six-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(e))* (form JV-433), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate **boxes** and attach indicated **forms**)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400)
- b. ☐ *Visitation Attachment: Sibling* (form JV-401)
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402)

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Twelve-month permanency hearing (Welf. & Inst. Code, § 366.21(f))
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

SIX-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED**(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (specify):



CHILD'S NAME:

CASE NUMBER:

Reunification services

10. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- ☐ affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - ☐ these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - ☐ to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - ☐ these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
 - ☐ the active efforts have proved ☐ successful ☐ unsuccessful.
11. ☐ **Reunification services continued: Child under age of three at time of removal or member of sibling group**
- ☐ The child was under the age of three years on the date of the initial removal from the home.
 - ☐ The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
 - (1) (name):
 - (2) (name):
 - (3) (name):
 - (4) (name):
 - (5) (name):
 - (6) (name):
 - ☐ Services are continued as described in item 12; or
 - ☐ The court finds by clear and convincing evidence that the parent or legal guardian failed to participate regularly and make substantive progress in a court-ordered treatment plan, but reunification services are continued because
 - (1) ☐ having considered the relevant evidence, including
 - (a) ☐ whether there has been significant progress in resolving the problems that led to the removal;
 - (b) ☐ whether the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, physical and emotional health, and special needs has been demonstrated; and
 - (c) ☐ whether there has been consistent and regular contact and visitation with the child;
 the court finds there is a substantial probability that the child may be returned to the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (specify):
☐ Other (specify):		

 within six months of the date of this hearing or within 12 months of the date the child entered foster care, whichever is sooner.
 - (2) Reasonable services have not been provided to the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (specify):
☐ Other (specify):		
12. **Reunification services are continued for the**
- | | | |
|---|--|---|
| ☐ mother | ☐ biological father | ☐ Indian custodian |
| ☐ presumed father | ☐ legal guardian | ☐ Other (specify): |
| ☐ Other (specify): | | |
- ☐ as previously ordered.



CHILD'S NAME:	CASE NUMBER:
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12. b. ☐ as modified

(1) ☐ on the record.

(2) ☐ in the case plan.

13. ☐ **The likely date** by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative or in another planned permanent living arrangement is *(date)*:

Family finding and engagement

14. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.

b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.

(1) ☐ The county agency is ordered to make such diligent efforts, except with respect to individuals whom the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.

(2) ☐ The county agency must submit a report to the court on or before *(date)*: detailing the diligent efforts made and the results of such efforts.

Important individuals

15. ☐ **The child is 10 years of age or older and has been in out-of-home placement for six months or longer.**

a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services

(1) ☐ as stated on the record.

(2) ☐ as follows:

Health

16. ☐ The ☐ mother ☐ biological father ☐ Indian custodian

☐ presumed father ☐ legal guardian ☐ Other *(specify)*:

☐ Other *(specify)*:

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

17. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the permanency hearing set on a date within 12 months from the date the child entered foster care, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan, modification of parental rights and the adoption of the child and other members of the sibling group.**

Twelve-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

**SIX-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(e))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-430, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

9. b. (1) ☐ returning the child to California and locating an appropriate placement within California.
 (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 (3) ☐ Other (*specify*):

Reunification services

10. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
- affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
 - the active efforts have proved ☐ successful ☐ unsuccessful.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
- ☐ qualified expert witness testimony was provided by: _____; and
 - ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother	☐ Biological father	☐ Legal guardian
☐ Presumed father	☐ Indian custodian	
☐ Other (<i>specify</i>):		
☐ Other (<i>specify</i>):		

12. ☐ **Reunification services terminated: Child under age of three years at time of removal or member of sibling group**

- ☐ The child was under the age of three years on the date of the initial removal from the home.
- ☐ The child and the child's siblings listed below form a sibling group in which one child in the sibling group was under the age of three years at the time of the initial removal, and all children in the sibling group were removed from parental custody at the same time and are placed together.
 - (*name*):
 - (*name*):
 - (*name*):
 - (*name*):
 - (*name*):
 - (*name*):
- By clear and convincing evidence the

☐ mother	☐ biological father	☐ Indian custodian
☐ presumed father	☐ legal guardian	☐ Other (<i>specify</i>):
☐ Other (<i>specify</i>):		

failed to participate regularly and make substantive progress in a court-ordered treatment plan and there is not a substantial probability of return within six months. Reunification services are terminated.



CHILD'S NAME:	CASE NUMBER:
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12. d. Scheduling a hearing under Welf. & Inst. Code, § 366.26 for this child and some or all members of the sibling group is in the child's best interest. The factual basis for this finding is stated on the record.

13. ☐ **Reunification services terminated: Child of any age**

a. ☐ Reunification services are terminated for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because the child was initially removed from the person indicated under Welf. & Inst. Code, § 300(g) and, by clear and convincing evidence,

- (1) ☐ the person's whereabouts remain unknown.
 (2) ☐ the person has not had contact or visited with the child for six months.

b. ☐ Reunification services are terminated for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because, by clear and convincing evidence, that person has been convicted of a felony indicating parental unfitness.

c. ☐ Reunification services are terminated for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

because it is determined that the person is deceased.

14. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Family finding and engagement

15. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.

b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.

- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 (2) The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Important individuals

16. ☐ **Child in out-of-home placement for six months or longer**

a. ☐ The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

b. ☐ The county agency has **not** made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationship with those individuals, consistent with the child's best interest.

c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services

- (1) ☐ as stated on the record.
 (2) ☐ as follows:



CHILD'S NAME:

CASE NUMBER:

Health

17. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Setting for selection of permanent plan

18. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents or legal guardian, or, in the case of an Indian child, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and the services or efforts have been unsuccessful.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (name):
(2) (name):
(3) (name):
(4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):
19. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): , a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date):



- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.

☐ return home.
 ☐ establish legal guardianship.

☐ place for adoption.
 ☐ place with a relative.

☐ Other (*specify*):

d. ☐ The court finds that the barriers to achieving the child's permanent plans are (*describe*):

a. the court asked the child where the child wants to live, and the child provided the following information (*describe*):

c. the compelling reasons why the other permanent plan options are not in the child's best interests are *(describe)*:

a. Date: _____ e. Court reporter (*name*): _____

b. Department: _____ f. Bailiff (*name*): _____

c. Judicial officer (*name*): _____ g. Interpreter (*name and language*): _____

d. Court clerk (*name*): _____

h. Party (name):	Present	Attorney (name):	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐
(12) Other (specify):	☐		☐	☐

i. Others present in courtroom:
(1) Court Appointed Special Advocate (CASA) volunteer (name):
(2) Other (name):
(3) Other (name):

a. report of social worker dated:

b. report of CASA volunteer dated:

c. case plan dated:

d. Other (*specify*):

e. Other (*specify*):

CHILD'S NAME:

CASE NUMBER:

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ For a child 10 years of age or older who is not present,
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d), or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. ☐ A Court Appointed Special Advocate is appointed for the child.
5. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):
6. **ICWA inquiry**
- The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):
- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- b. ☐ there is reason to believe the child is an Indian child, and (*check 1 or 2*):
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs if required, the California Department of Social Services if required, and others.
- c. ☐ there is reason to know that the child is an Indian child, and
- (1) the agency (*check A or B*):
- A. ☐ has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or
- B. ☐ is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court.
- (2) ☐ notice has been provided as required by law; and
- (3) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The child is a member or citizen of or eligible for membership or citizenship in, and a biological child of a tribal member or citizen of, the _____ tribe.



CHILD'S NAME:

CASE NUMBER:

Advisements and waivers**7. The court has informed and advised the**

- ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

- b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

- c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
- ☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts**10. The county agency**

- a. ☐ has
- b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,

- a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
- b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;



CHILD'S NAME:

CASE NUMBER:

11. c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.
12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:
- | | None | Minimal | Adequate | Substantial | Excellent |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. ☐ Mother | ☐ | ☐ | ☐ | ☐ | ☐ |
| b. ☐ Presumed father | ☐ | ☐ | ☐ | ☐ | ☐ |
| c. ☐ Biological father | ☐ | ☐ | ☐ | ☐ | ☐ |
| d. ☐ Legal guardian | ☐ | ☐ | ☐ | ☐ | ☐ |
| e. ☐ Indian custodian | ☐ | ☐ | ☐ | ☐ | ☐ |
| f. ☐ Other (specify): | ☐ | ☐ | ☐ | ☐ | ☐ |
| g. ☐ Other (specify): | ☐ | ☐ | ☐ | ☐ | ☐ |

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is not necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
16. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): .
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:



CHILD'S NAME:	CASE NUMBER:
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19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- ☐ Social worker
 - ☐ Parent (*name*):
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
20. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ the name of the support person(s) to assist the child is: _____, and the relationship(s) to the child is: _____.
 - ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. ☐ **Child 14 years of age or older:**
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:



CHILD'S NAME:

CASE NUMBER:

24. **Placement and services are ordered as stated in** (check appropriate box and attach indicated form):

- a. ☐ *Twelve-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.21(f))* (form JV-436), which is attached and incorporated by reference.
- b. ☐ *Twelve-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.21(f))* (form JV-437), which is attached and incorporated by reference.
- c. ☐ *Twelve-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.21(f))* (form JV-438), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate boxes and attach indicated forms)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Eighteen-month permanency hearing (Welf. & Inst. Code, § 366.22)
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

TWELVE-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.21(f))

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
6. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
7. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
8. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.



CHILD'S NAME:

CASE NUMBER:

9. ☐ **The child is placed outside the state of California, and that out-of-state placement**

- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
 - (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) ☐ Other (*specify*):

Reunification services10. a. ☐ **There is substantial probability that the child may be returned to the**

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

by the date set for the 18-month permanency hearing under Welf. & Inst. Code, § 366.22 because the person has

- (1) made significant progress in resolving the problems that led to the removal;
- (2) demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the safety, protection, physical and emotional health, and special needs of the child; and
- (3) consistently and regularly contacted and visited the child.

b. ☐ Reasonable services have not been provided to the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

11. Reunification services are continued for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

a. ☐ as previously ordered.b. ☐ as modified

- (1) ☐ on the record.
- (2) ☐ in the case plan.

12. ☐ **The likely date** by which the child may be returned to and safely maintained in the home or another permanent plan selected is (*date*):**Family finding and engagement**13. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.

- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (*date*): detailing the diligent efforts made and the results of such efforts.



CHILD'S NAME:

CASE NUMBER:

Important individuals**14. ☐ Child 10 years of age or older**

- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 18-month permanency hearing set on a date within 18 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26 **that may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Eighteen-month permanency hearing date:

CHILD'S NAME:

CASE NUMBER:

**TWELVE-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.21(f))**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
 - e. the active efforts have proved ☐ successful ☐ unsuccessful.
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. ☐ qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother

☐ Biological father

☐ Legal guardian

☐ Presumed father

☐ Indian custodian

☐ Other (specify): _____

☐ Other (specify): _____

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
8. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
9. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
10. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. ☐ The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 - b. ☐ Other (specify): _____



CHILD'S NAME:

CASE NUMBER:

11. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently, (*check one*)
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. ☐ the child is placed in accordance with the preferences established by the tribe; or
 - f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
 - b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-435, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
 - (1) ☐ returning the child to California and locating an appropriate placement within California.
 - (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) ☐ Other (*specify*):

Family finding and engagement

13. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) The county agency must submit a report to the court on or before (*date*): detailing the diligent efforts made and the results of such efforts.
- c. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Important individuals

14. ☐ **For a child who is 10 years of age or older,**
- a. ☐ the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. ☐ the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.



CHILD'S NAME:

CASE NUMBER:

14. c. ☐ to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Other (specify):
☐ presumed father ☐ legal guardian ☐ Other (specify):
 is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Selection of permanent plan

16. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): _____, a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date): _____
- b. ☐ The child is ordered to remain in foster care with a permanent plan of
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.
- c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
- ☐ place for adoption. ☐ place with a relative.
- ☐ Other (specify): _____
- The likely date** by which the child's permanent plan will be achieved is (date): _____
- d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe): _____

17. ☐ **For children 16 years of age or older placed in another planned permanent living arrangement,**
- a. the court asked the child where the child wants to live, and the child provided the following information (describe): _____



CHILD'S NAME:	CASE NUMBER:
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17. b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

c. the compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

18. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or in the case of an Indian child, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.21(i). The county agency report must include evidence of all inquiry done throughout the life of the case to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code section 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) *(name)*:
- (2) *(name)*:
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is *(specify date)*:

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (<i>name</i>):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 18-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.22)	CASE NUMBER:

1. Eighteen-month permanency hearing

- | | |
|--------------------------------------|--|
| a. Date: | e. Court reporter (<i>name</i>): |
| b. Department: | f. Bailiff (<i>name</i>): |
| c. Judicial officer (<i>name</i>): | g. Interpreter (<i>name and language</i>): |
| d. Court clerk (<i>name</i>): | |

<u>h. Party (<i>name</i>):</u>	Present	<u>Attorney (<i>name</i>):</u>	Present	Appointed today
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (<i>specify</i>):	☐		☐	☐
(12) Other (<i>specify</i>):	☐		☐	☐
<u>i. Others present in courtroom:</u>				
(1) Court Appointed Special Advocate (CASA) volunteer (<i>name</i>):				
(2) Other (<i>name</i>):				
(3) Other (<i>name</i>):				

2. The court has read and considered and admits into evidence the

- a. ☐ report of social worker dated:
- b. ☐ report of CASA volunteer dated:
- c. ☐ case plan dated:
- d. ☐ Other (*specify*):
- e. ☐ Other (*specify*):



CHILD'S NAME:

CASE NUMBER:

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ For a child 10 years of age or older who is not present,
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
 - (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present, and
 - (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
 - (b) ☐ it is in the best interest of the child not to continue the hearing.

4. ☐ A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage (Juvenile)* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
 - (2) alleged parent (*name*):
 - (3) alleged parent (*name*):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, has reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- b. ☐ there is reason to believe the child is an Indian child, and (*check one*):
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
 - (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs if required, and the California Department of Social Services if required.
- c. ☐ there is reason to know that the child is an Indian child, and
- (1) the agency (*check A or B*):
 - A. ☐ has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or
 - B. ☐ is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court.
 - (2) ☐ notice has been provided as required by law; and
 - (3) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The child is a member or citizen of or eligible for membership or citizenship in, and a biological child of a tribal member or citizen of, the _____ tribe.



CHILD'S NAME:

CASE NUMBER:

Advisements and waivers**7. The court has informed and advised the**

☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:
☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts**10. The county agency**

a. ☐ has

b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,

a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;



CHILD'S NAME:	CASE NUMBER:
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11. b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
- c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	None	Minimal	Adequate	Substantial	Excellent
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

13. ☐ The child does not have siblings under the court's jurisdiction.
14. ☐ The child has siblings under the court's jurisdiction. Sibling Attachment: Contact and Placement (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650 of the California Rules of Court. A copy of rule 5.650(e) and (f) can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
16. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.
17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date): .
18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:



CHILD'S NAME:	CASE NUMBER:
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19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- ☐ Social worker
 - ☐ Parent (*name*):
 - ☐ Surrogate parent (*name*):
 - ☐ Educational representative (*name*):
 - ☐ Other (*name*):
20. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
22. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ the name of the support person(s) to assist the child is: _____, and the support person's relationship(s) to the child is: _____.
 - ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.
23. ☐ **Child 14 years of age or older**
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:



CHILD'S NAME:	CASE NUMBER:
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24. **Placement and services are ordered as stated in** (check appropriate **box** and attach indicated **form**)

- a. ☐ *Eighteen-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.22)* (form JV-441), which is attached and incorporated by reference.
- b. ☐ *Eighteen-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.22)* (form JV-442), which is attached and incorporated by reference.
- c. ☐ *Eighteen-Month Permanency Attachment: Reunification Services Continued (Welf. & Inst. Code, § 366.22)* (form JV-443), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate **boxes** and attach indicated **forms**)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Twenty-four-month permanency hearing (Welf. & Inst. Code, § 366.25)
- c. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- d. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- e. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- f. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date:

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

**EIGHTEEN-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.22)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **Reunification services are terminated.**
3. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers; and
 - e. the active efforts have proved ☐ successful ☐ unsuccessful.
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and
 - a. ☐ qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ Mother	☐ Biological father	☐ Legal guardian
☐ Presumed father	☐ Indian custodian	☐ Other (specify):
☐ Other (specify):		

Placement

5. **The child's out-of-home placement is necessary.**
6. ☐ **The child's current placement is appropriate.**
7. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
8. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
9. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
10. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
 - a. ☐ The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
 - b. ☐ Other (specify):



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

11. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (*check one*):
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
 - b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. ☐ the child is placed in accordance with the preferences established by the tribe; or
 - f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.

12. ☐ **The child is placed outside the state of California, and that out-of-state placement**

- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
 - (1) ☐ returning the child to California and locating an appropriate placement within California.
 - (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
 - (3) ☐ Other (*specify*):

13. **Family finding and engagement**

- a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
 - (1) ☐ The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
 - (2) ☐ The county agency must submit a report to the court on or before (*date*): detailing the diligent efforts made and the results of such efforts.
- c. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Important individuals

14. ☐ **For a child who is 10 years of age or older,**
- a. ☐ the county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
 - b. ☐ the county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

14. c. ☐ to identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
- is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Selection of permanent plan

16. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (name): _____, a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (date): _____
- b. ☐ The child is ordered to remain in foster care with a permanent plan of
- (1) ☐ return home.
 - (2) ☐ adoption.
 - (3) ☐ tribal customary adoption.
 - (4) ☐ legal guardianship.
 - (5) ☐ placement with a fit and willing relative.
- c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
☐ place for adoption. ☐ place with a relative.
☐ Other (specify): _____
- The likely date** by which the child's permanent plan will be achieved is (date): _____
- d. ☐ The court finds that the barriers to achieving the child's permanent plans are (describe): _____
17. ☐ **For children 16 years of age or older placed in another planned permanent living arrangement.**
- a. The court asked the child where the child wants to live, and the child provided the following information (describe): _____



CHILD'S NAME:	CASE NUMBER:
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17. b. The court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because *(describe)*:

c. The compelling reasons why the other permanent plan options are not in the child's best interest are *(describe)*:

18. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c). The county agency report must include evidence of all inquiry done to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) *(name)*:
- (2) *(name)*:
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is *(date)*:

CHILD'S NAME:

CASE NUMBER:

EIGHTEEN-MONTH PERMANENCY ATTACHMENT: REUNIFICATION SERVICES CONTINUED
(Welf. & Inst. Code, § 366.22)

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.

Placement

2. **The child's out-of-home placement is necessary.**
3. ☐ **The child's current placement is appropriate.**
4. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
5. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
6. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
7. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
8. ☐ There has been a change in the child's placement and the child is an Indian child, or there is reason to know that the child is an Indian child. Currently (choose one),
- a. ☐ the child is placed with a member of the child's extended family as defined by 25 U.S.C. § 1903; or
- b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
- c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
- e. ☐ the child is placed in accordance with the preferences established by the tribe; or
- f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
9. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.



CHILD'S NAME:

CASE NUMBER:

9. b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-440, item 28, for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (*specify*):

Reunification services**10. By clear and convincing evidence, it is in the best interest of the child to provide additional reunification services to the**

- a. ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):
- (1) ☐ who is making significant and consistent progress in a substance abuse treatment program.
- (2) ☐ who is recently discharged from incarceration, institutionalization, or the custody of the Department of Homeland Security and making significant and consistent progress in establishing a safe home for the child's return.
- (3) ☐ who was a minor parent or a nonminor dependent parent at the time of the initial hearing and is making significant and consistent progress in establishing a safe home for the child's return.

and

b. There is a substantial probability that the child may be returned to the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

by the date set for the 24-month permanency hearing under Welf. & Inst. Code, § 366.25 because the person has

- (1) consistently and regularly contacted and visited the child;
- (2) made significant and consistent progress in the prior 18 months in resolving the problems that led to the child's removal from the home; and
- (3) demonstrated the capacity and ability to provide for the safety, protection, physical and emotional health, and special needs of the child and
- (a) ☐ to complete the objectives of their substance abuse treatment plan as evidenced by reports from a substance abuse provider.
- (b) ☐ to complete a treatment plan postdischarge from incarceration or institutionalization.
- c. ☐ The court finds reasonable reunification services have not been provided. Based on this finding and other relevant factors, including the likelihood of success of further reunification services and the child's need for a prompt resolution of dependency status, the court finds good cause under Welf. and Inst. Code, § 352 to continue the 18-month status review to (*date*):

11. Reunification services are continued for the

- ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

a. ☐ as previously ordered.b. ☐ as modified

- (1) ☐ on the record.
- (2) ☐ in the case plan.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

12. ☐ The likely date by which the child may be returned to and safely maintained in the home or another permanent plan selected is (date):

Family finding and engagement

13. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) ☐ The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) ☐ The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Important individuals

14. ☐ For a child who is 10 years of age or older
- a. ☐ The county agency has made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

15. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
- is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Advisement

16. The court informed all parties present at the time of the hearing and further advises all parties that if the child is not returned to the home at the 24-month permanency hearing set on a date within 24 months from the date the child was initially removed from their home, the case may be referred to a selection and implementation hearing under Welf. & Inst. Code, § 366.26. **That hearing may result in the termination of parental rights and adoption of the child and other members of the sibling group or, in the case of an Indian child for whom tribal customary adoption under Welf. & Inst. Code, § 366.24 is selected as the permanent plan goal, modification of parental rights and the adoption of the child and other members of the sibling group.**

Twenty-four-month permanency hearing date:

ATTORNEY OR PARTY WITHOUT ATTORNEY: _____ STATE BAR NO.: _____ NAME: _____ FIRM NAME: _____ STREET ADDRESS: _____ CITY: _____ STATE: _____ ZIP CODE: _____ TELEPHONE NO.: _____ FAX NO.: _____ EMAIL ADDRESS: _____ ATTORNEY FOR (<i>name</i>): _____	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
FINDINGS AND ORDERS AFTER POSTPERMANENCY HEARING— PERMANENT PLAN OTHER THAN ADOPTION (Welf. & Inst. Code, § 366.3)	CASE NUMBER: _____

1. Postpermanency hearing

- | | |
|---|---|
| a. Date: _____
b. Department: _____
c. Judicial officer (<i>name</i>): _____
d. Court clerk (<i>name</i>): _____ | e. Court reporter (<i>name</i>): _____
f. Bailiff (<i>name</i>): _____
g. Interpreter (<i>name and language</i>): _____ |
|---|---|

	Present		Present	Appointed today
h. <u>Party (<i>name</i>):</u>		<u>Attorney (<i>name</i>):</u>		
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (<i>specify</i>):	☐		☐	☐
(12) Other (<i>specify</i>):	☐		☐	☐

- i. Others present in courtroom:
- (1) Court Appointed Special Advocate (CASA) volunteer (*name*): _____
- (2) Other (*name*): _____
- (3) Other (*name*): _____

2. The court has read and considered and admits into evidence

- a. ☐ report of social worker dated: _____
- b. ☐ report of CASA volunteer dated: _____
- c. ☐ case plan dated: _____



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

2. d. ☐ Other (*specify*):

e. ☐ Other (*specify*):

BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ **For a child 10 years of age or older who is not present,**
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.
4. a. ☐ The child ☐ is ☐ may be an Indian child, and notice of the proceeding and the right of the tribe to intervene was provided as required by law. Proof of such notice was filed with this court.
- b. ☐ There is reason to know the child is an Indian child, and notice of the proceedings was provided to the Bureau of Indian Affairs as required by law. Proof of such notice was filed with this court.
5. ☐ A Court Appointed Special Advocate is appointed for the child.
6. **Parentage**
- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (*name*):
- (2) alleged parent (*name*):
- (3) alleged parent (*name*):

Advisements and waivers

7. **The court has informed and advised the**

- | | | | |
|--|--|---|--------------------------------|
| ☐ mother | ☐ biological father | ☐ legal guardian | ☐ child |
| ☐ presumed father | ☐ alleged father | ☐ Indian custodian | |
| ☐ Other (<i>specify</i>): | | | |
| ☐ Other (<i>specify</i>): | | | |

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify):
☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Placement

9. ☐ **Continued out-of-home placement is in the best interest of the child.**
10. ☐ **The child's out-of-home placement is necessary.**
11. ☐ **Continued out-of-home placement is no longer necessary. The child is ordered immediately returned to the home of the** ☐ mother ☐ father ☐ legal guardian ☐ Other (specify):
- a. ☐ Family maintenance services are ordered for six months.
- b. ☐ The family does not need further services, and the person(s) specified in item 11 is or are granted physical and legal custody of the child under the custody order and final judgment entered this day. Visitation with the child will be as stated in the *Visitation Order—Juvenile* (form JV-205). The clerk of the juvenile court must file with the family court a completed *Custody Order—Juvenile—Final Judgment* (form JV-200) and *Visitation Order—Juvenile* (form JV-205).
12. ☐ **The child's current placement is appropriate.**
13. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
14. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
15. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
16. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate place for the child.
- a. ☐ The matter is continued to the date and time indicated in item 46 for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (specify):
17. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in item 46 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

17. b. (3) ☐ Other (*specify*):

18. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.

Case plan development

19. a. ☐ The child was actively involved in the case plan development, including the child's plan for permanent placement.
- b. ☐ The child was not actively involved in the case plan development, including the child's plan for permanent placement, and
- (1) ☐ the county agency is ordered to actively involve the child in the case plan development, including the plan for permanent placement, and to submit to the court an updated case plan within 30 days of the date of this hearing.
- (2) ☐ the county agency is not required to actively involve the child in the case plan development because the child was unable, unavailable, or unwilling to participate.

20. ☐ Child 14 years of age or older

- a. ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
- b. ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
- c. ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
- (1) ☐ stated on the record.
- (2) ☐ as follows:

21. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.

Efforts

22. The county agency

- a. ☐ has
- b. ☐ has not
- complied with the case plan by making reasonable efforts, including whatever steps are necessary to make and to finalize the permanent placement of the child.

23. The services provided to the child have been

- a. ☐ adequate.
- b. ☐ inadequate.

Family finding and engagement

24. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

24. b. (1) ☐ The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) ☐ The county agency must submit a report to the court on or before *(date)*: detailing the diligent efforts made and the results of such efforts.

25. ☐ **Child is 10 years of age or older and has been in an out-of-home placement for six months or longer.**

- a. The child has identified the following as an individual important to the child:
- (1) *(name)*:
- (2) *(name)*:
- b. The county agency ☐ has ☐ has not made efforts to identify individuals who are important to the child, consistent with the child's best interest.
- c. The county agency ☐ has ☐ has not made efforts to maintain the child's relationships with the individuals who are important to the child, consistent with the child's best interest.
- d. The county agency ☐ has ☐ has not made efforts to identify a prospective adoptive parent or a legal guardian for the child.
- e. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:
- f. ☐ To identify a prospective adoptive parent or a legal guardian for the child, the county agency must provide the service
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Siblings

26. ☐ **The child does not have siblings under the court's jurisdiction.**
27. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.
28. ☐ The child has siblings. A postadoption sibling contact agreement ☐ has ☐ has not been developed. If not, the court has inquired into the status of the development of a voluntary postadoption sibling contact agreement.

Education

29. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.
30. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 29 or other concerns are
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:



CHILD'S NAME:	CASE NUMBER:
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31. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 30:
- a. ☐ Social worker
 - b. ☐ Parent (*name*):
 - c. ☐ Surrogate parent (*name*):
 - d. ☐ Educational representative (*name*):
 - e. ☐ Other (*name*):
32. ☐ The child's education placement has changed since the last review hearing.
- a. ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll, and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - b. ☐ The child is enrolled in school.
 - c. ☐ The child is attending school.
33. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- (1) ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (2) ☐ the name of the support person(s) to assist the child is:
The support person's relationship(s) to the child is:
 - (3) ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - (4) ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - (a) ☐ stated on the record.
 - (b) ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.

34. ☐ **Child 12 years of age or older**

- a. ☐ The child was given the opportunity to review the case plan, sign it, and receive a copy.
- b. ☐ The child was not given the opportunity to review the case plan, sign it, and receive a copy, and
 - (1) ☐ the county agency is ordered to provide the child with the opportunity to review the case plan, sign it, and receive a copy. The agency is further ordered to submit to the court within 30 days of the date of this hearing written confirmation that the child was provided with this opportunity.
 - (2) ☐ the county agency is not required to give the child this opportunity because the child was unable, unavailable, or unwilling to participate.

Health

35. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (*date*):

36. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (*specify*):
☐ Other (*specify*):

is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.



CHILD'S NAME:	CASE NUMBER:
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Permanent plan

37. a. ☐ It is ordered that
- (1) ☐ the child's permanent plan is legal guardianship. **The likely date** by which the child's permanent plan will be achieved is (date):
- (2) ☐ the child's permanent plan is permanent placement with a fit and willing relative. **The likely date** by which the child's permanent plan will be achieved is (date):
- b. ☐ It is ordered that the child remain in foster care with a permanent plan of
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.
- c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
- ☐ place for adoption. ☐ place with a relative.
- ☐ Other (specify):
- The likely date** by which the child's permanent plan will be achieved is (date):
- d. The court finds that the barriers to achieving the child's permanent plan are (describe):

38. ☐ For a child 16 years of age or older placed in another planned permanent living arrangement,

- a. the placing agency has made the following ongoing and intensive efforts to return the child to a safe home or finalize the permanent plan:
- b. the court asked the child where the child wants to live, and the child provided the following information (describe):
- c. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (describe):



CHILD'S NAME:	CASE NUMBER:
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38. d. the compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

39. ☐ The ☐ mother ☐ father ☐ Other (*specify*): _____ has proved by a preponderance of the evidence that further efforts at reunification are the best alternative for the child under Welf. & Inst. Code, § 366.3(f). Further reunification services to return the child to a safe home environment are ordered for the parent for a period of six months. The case plan dated: _____ is appropriate, and the ☐ mother ☐ father ☐ Other (*specify*): _____ is ordered to participate in the case plan.

40. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.

41. ☐ The child's permanent plan identified in item 37 is appropriate and continues as the permanent plan.

42. ☐ a. The child's permanent plan identified in item 37 may not be appropriate, and the matter is ordered set for a hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.
- b. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.22(c).
- c. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (Cal. Rules of Court, rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court further advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court is directed to provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- d. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.
- e. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage (Juvenile)* (form JV-505).
- (1) (*name*): _____
- (2) (*name*): _____
- (3) (*name*): _____
- (4) (*name*): _____

43. ☐ **Contact with the child is ordered as stated in** (*check appropriate boxes and attach indicated forms*)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).



CHILD'S NAME:	CASE NUMBER:
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44. All prior orders not in conflict with this order remain in full force and effect.

45. ☐ Other findings and orders

a. ☐ See attached.

b. ☐ (Specify):

46. ☐ The next hearing is scheduled as follows:

Hearing date:	Time:	Dept:	Room:
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a. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)

b. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)

c. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)

d. ☐ Other (specify):

47. Number of pages attached: _____

Date:

JUDICIAL OFFICER

ATTORNEY OR PARTY WITHOUT ATTORNEY NAME: FIRM NAME: STREET ADDRESS: CITY: STATE: ZIP CODE: TELEPHONE NO.: FAX NO.: EMAIL ADDRESS: ATTORNEY FOR (name):	FOR COURT USE ONLY DRAFT Not approved by the Judicial Council
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
FINDINGS AND ORDERS AFTER 24-MONTH PERMANENCY HEARING (Welf. & Inst. Code, § 366.25)	CASE NUMBER:

1. Twenty-four-month permanency hearing

- | | |
|-----------------------------|-------------------------------------|
| a. Date: | e. Court reporter (name): |
| b. Department: | f. Bailiff (name): |
| c. Judicial officer (name): | g. Interpreter (name and language): |
| d. Court clerk (name): | |

<u>h. Party (name):</u>	<u>Present</u>	<u>Attorney (name):</u>	<u>Present</u>	<u>Appointed today</u>
(1) Child:	☐		☐	☐
(2) Mother:	☐		☐	☐
(3) Father—presumed:	☐		☐	☐
(4) Father—biological:	☐		☐	☐
(5) Father—alleged:	☐		☐	☐
(6) Legal guardian:	☐		☐	☐
(7) Indian custodian:	☐		☐	☐
(8) De facto parent:	☐		☐	☐
(9) County agency social worker:	☐		☐	☐
(10) Tribal representative:	☐		☐	☐
(11) Other (specify):	☐		☐	☐
(12) Other (specify):	☐		☐	☐
i. Others present in courtroom:				
(1) Court Appointed Special Advocate (CASA) volunteer (name):				
(2) Other (name):				
(3) Other (name):				

2. The court has read and considered and admits the following into evidence:

- a. ☐ report of social worker dated:
- b. ☐ report of CASA volunteer dated:
- c. ☐ case plan dated:
- d. ☐ Other (specify):
- e. ☐ Other (specify):



CHILD'S NAME:	CASE NUMBER:
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BASED ON THE FOREGOING AND ON ALL OTHER EVIDENCE RECEIVED, THE COURT FINDS AND ORDERS

3. a. ☐ Notice of the date, time, and location of the hearing was given as required by law.
- b. ☐ For a child 10 years of age or older who is not present,
- (1) ☐ the child was properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) and was given an opportunity to be present, and there is no good cause for a continuance to enable the child to be present.
- (2) ☐ the child was not properly notified of the right to attend the hearing under Welf. & Inst. Code, § 349(d) or the child wished to be present and was not given an opportunity to be present, and
- (a) ☐ there is good cause for a continuance for a period of time necessary to provide notice and secure the presence of the child.
- (b) ☐ it is in the best interest of the child not to continue the hearing.

4. ☐ A Court Appointed Special Advocate is appointed for the child.

5. Parentage

- a. ☐ The court inquired of the child's parents present at the hearing and other appropriate persons present as to the identity and addresses of all presumed or alleged parents of the child. All alleged parents present during the hearing who had not previously submitted a *Statement Regarding Parentage* (form JV-505) were provided with and ordered to complete form JV-505 and submit it to the court.
- b. ☐ The clerk of the court is ordered to provide the notice required by Welf. & Inst. Code, § 316.2 to
- (1) alleged parent (name):
- (2) alleged parent (name):
- (3) alleged parent (name):

6. ICWA inquiry

The court has inquired of each participant present who has not already been asked whether the participant has any information indicating that the child is a member or citizen of or eligible for membership or citizenship in an Indian tribe or Alaska Native village, reviewed the evidence of the affirmative and ongoing inquiry by the agency to determine whether the child is or may be an Indian child, and finds (*check one*):

- a. ☐ there is no reason to believe or know that the child is an Indian child. The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and to report to the court on its inquiry efforts.
- b. ☐ there is reason to believe the child is an Indian child; and
- (1) ☐ the agency has completed further inquiry as required by Welf. & Inst. Code, § 224.2(e), and there is no reason to know that the child is an Indian child; or
- (2) ☐ the agency is ordered to complete further inquiry as required by Welf. & Inst. Code, § 224.2(e) and file with the court evidence of this inquiry, including all contacts with extended family members, tribes that the child may be affiliated with, the Bureau of Indian Affairs if required, the California Department of Social Services if required, and others.
- c. ☐ there is reason to know that the child is an Indian child, and
- (1) the agency (*check A or B*):
- A. ☐ has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or
- B. ☐ is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status and provide notice in accordance with Welf. & Inst. Code, § 224.3 and file proof of due diligence and notice with the court.
- (2) ☐ notice has been provided as required by law; and
- (3) ☐ the court will treat the child as an Indian child until it is determined on the record that the child is not an Indian child.
- d. ☐ The child is a member or citizen of or eligible for membership or citizenship in, and a biological child of a tribal member or citizen of, the _____ tribe.



CHILD'S NAME:

CASE NUMBER:

Advisements and waivers**7. The court has informed and advised the**

☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

of the following: the right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared the reports or documents submitted to the court by the petitioner and the witnesses called to testify at the hearing; the right to subpoena witnesses; the right to present evidence on one's own behalf; and the right of the child and each parent, legal guardian, and Indian custodian to be present and to be represented by counsel at every stage of the proceedings. The court may appoint counsel subject to the court's right to seek reimbursement, if an individual is entitled to appointed counsel and the individual is financially unable to retain counsel.

8. The ☐ mother ☐ biological father ☐ legal guardian ☐ child
☐ presumed father ☐ alleged father ☐ Indian custodian
☐ Other (specify): ☐ Other (specify):

has knowingly and intelligently waived the right to a court trial on the issues, the right to assert the privilege against self-incrimination, the right to confront and cross-examine adverse witnesses, the right to subpoena witnesses, and the right to present evidence on their own behalf.

Case plan development

9. a. ☐ The following were actively involved in the case plan development, including the child's plan for permanent placement
☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

b. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is ordered to actively involve them and submit an updated case plan within 30 days of the date of this hearing.

c. ☐ The following were **not** actively involved in the case plan development, including the child's plan for permanent placement:

☐ Child ☐ Mother ☐ Father ☐ Representative of child's identified Indian tribe
☐ Other (specify): ☐ Other (specify):

The county agency is not required to involve them because these persons are unable, unavailable, or unwilling to participate.

Efforts**10. The county agency**

a. ☐ has
 b. ☐ has not

complied with the case plan by making reasonable efforts to return the child to a safe home through the provision of reasonable services designed to aid in overcoming the problems that led to the initial removal and continued custody of the child and by making reasonable efforts to complete whatever steps are necessary to finalize the permanent placement of the child.

11. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,

a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;

b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

11. c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe; and
- d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
- e. the active efforts have proved ☐ successful ☐ unsuccessful.

12. The following persons have made the indicated level of progress toward alleviating or mitigating the causes necessitating placement:

	<u>None</u>	<u>Minimal</u>	<u>Adequate</u>	<u>Substantial</u>	<u>Excellent</u>
a. ☐ Mother	☐	☐	☐	☐	☐
b. ☐ Presumed father	☐	☐	☐	☐	☐
c. ☐ Biological father	☐	☐	☐	☐	☐
d. ☐ Legal guardian	☐	☐	☐	☐	☐
e. ☐ Indian custodian	☐	☐	☐	☐	☐
f. ☐ Other (specify):	☐	☐	☐	☐	☐
g. ☐ Other (specify):	☐	☐	☐	☐	☐

Siblings

13. ☐ **The child does not have siblings under the court's jurisdiction.**
14. ☐ **The child has siblings under the court's jurisdiction.** *Sibling Attachment: Contact and Placement* (form JV-403) is attached and incorporated by reference.

Health and education

15. a. ☐ A limitation on the right of the parents to make educational decisions for the child is **not** necessary. The parents hold educational rights and responsibilities in regard to the child's education, including those described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.
- b. ☐ A limitation on the right of the parents to make educational decisions for the child is necessary, and those rights are limited as stated in *Order Designating Educational Rights Holder* (form JV-535) filed in this matter. The educational rights and responsibilities of the educational representative are described in rule 5.650(e) and (f) of the California Rules of Court. A copy of rule 5.650 can be obtained from the California Courts website at courts.ca.gov/cms/rules/index/five/rule5_650, or from the court's self-help center.

16. a. The child's educational needs ☐ are ☐ are not being met.
- b. The child's physical needs ☐ are ☐ are not being met.
- c. The child's mental health needs ☐ are ☐ are not being met.
- d. The child's developmental needs ☐ are ☐ are not being met.

17. The child ☐ does ☐ does not have an order authorizing psychotropic medication. The next hearing to review the psychotropic medication order is on (date):

18. ☐ The additional services, assessments, and/or evaluations the child requires to meet the unmet needs specified in item 16 or other concerns are
- a. ☐ stated in the social worker's report.
- b. ☐ specified here:



CHILD'S NAME:	CASE NUMBER:
---------------	--------------

19. ☐ The following persons are ordered to take the steps necessary for the child to begin receiving the services, assessments, and/or evaluations identified in item 18:
- ☐ Social worker
 - ☐ Parent (name):
 - ☐ Surrogate parent (name):
 - ☐ Educational representative (name):
 - ☐ Other (name):
20. ☐ The child's education placement has changed since the last review hearing.
- ☐ The child's educational records, including any evaluation regarding a disability, were requested by the child's new school within two business days of the request to enroll and those records were provided by the child's former school to the child's new school within two business days of the receipt of the educational records request.
 - ☐ The child is enrolled in school.
 - ☐ The child is attending school.
21. ☐ **Child 14 years of age or older**
- ☐ The services stated in the case plan include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ The services stated in the case plan do not include those needed to assist the child in making the transition from foster care to successful adulthood.
 - ☐ To assist the child in making the transition to successful adulthood, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
22. ☐ For a child who is 10 years of age or older; is in junior high, middle, or high school; and has been under the jurisdiction of the juvenile court for a year or longer, *Status Review Attachment: Sexual and Reproductive Health Services* (form JV-459(A)) has been completed and is attached.
23. a. ☐ The child is 16 years of age or older, and under the requirements of Welf. & Inst. Code, § 16501.1(g)(22),
- ☐ an individual or individuals have been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ the name of the support person(s) to assist the child is: _____
The support person's relationship(s) to the child is: _____
 - ☐ an individual or individuals have not been identified to assist the child with applications for postsecondary education, including career and technical education, and related financial aid.
 - ☐ to assist the child in preparing for postsecondary education, the county agency must add to the case plan and provide the services
 - ☐ stated on the record.
 - ☐ as follows:
- b. ☐ The child is 16 years of age or older and has stated that they do not want to pursue postsecondary education, including career or technical education.



CHILD'S NAME:	CASE NUMBER:
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24. **Placement and services are ordered as stated in** (check appropriate **box** and attach indicated **form**)

- a. ☐ *Twenty-Four-Month Permanency Attachment: Child Reunified (Welf. & Inst. Code, § 366.25)* (form JV-456), which is attached and incorporated by reference.
- b. ☐ *Twenty-Four-Month Permanency Attachment: Reunification Services Terminated (Welf. & Inst. Code, § 366.25)* (form JV-457), which is attached and incorporated by reference.

25. ☐ **Contact with the child is ordered as stated in** (check appropriate **boxes** and attach indicated **forms**)

- a. ☐ *Visitation Attachment: Parent, Legal Guardian, Indian Custodian, Other Important Person* (form JV-400).
- b. ☐ *Visitation Attachment: Sibling* (form JV-401).
- c. ☐ *Visitation Attachment: Grandparent* (form JV-402).

26. **All prior orders not in conflict with this order remain in full force and effect.**

27. ☐ **Other findings and orders**

- a. ☐ See attached.
- b. ☐ (Specify):

28. ☐ **The next hearing is scheduled as follows:**

Hearing date:	Time:	Dept.:	Room:
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- a. ☐ In-home status review hearing (Welf. & Inst. Code, § 364)
- b. ☐ Selection and implementation hearing (Welf. & Inst. Code, § 366.26)
(Also schedule a Welf. & Inst. Code, § 366.3 status review hearing within six months.)

Hearing date:	Time:	Dept.:	Room:
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- c. ☐ Postpermanency hearing (Welf. & Inst. Code, § 366.3)
- d. ☐ Nonminor dependent status review (Welf. & Inst. Code, § 366.31)
- e. ☐ Other (specify):

29. ☐ **The petition is dismissed.** Jurisdiction of the court is terminated. All appointed counsel are relieved of the duty to provide further representation.

30. Number of pages attached: _____

Date: _____

JUDICIAL OFFICER

CHILD'S NAME:

CASE NUMBER:

**TWENTY-FOUR-MONTH PERMANENCY ATTACHMENT:
REUNIFICATION SERVICES TERMINATED
(Welf. & Inst. Code, § 366.25)**

1. By a preponderance of the evidence, the return of the child to their parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The factual basis for this conclusion is stated on the record.
2. **The child's out-of-home placement is necessary.**
3. **Reunification services are terminated.**
4. ☐ The child is an Indian child or there is reason to know that the child is an Indian child, and as set out in detail in the record,
 - a. affirmative, active, thorough, and timely efforts ☐ have ☐ have not been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family;
 - b. these efforts ☐ did ☐ did not include assisting the parent(s) or Indian custodian through the steps of the case plan and with accessing or developing the resources necessary to satisfy the case plan;
 - c. to the maximum extent possible, the efforts ☐ were ☐ were not provided in a manner consistent with the prevailing social and cultural conditions and way of life of the child's tribe;
 - d. these efforts and the case plan ☐ have ☐ have not been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregiver service providers; and
 - e. the active efforts have proved ☐ successful. ☐ unsuccessful.
5. ☐ The child is an Indian child or ☐ there is reason to know that the child is an Indian child, and
 - a. ☐ qualified expert witness testimony was provided by (name): _____ ; and
 - b. ☐ evidence regarding the prevailing social and cultural practices of the child's tribe was provided; and
 - c. ☐ there is clear and convincing evidence that continued physical custody by the following person is likely to cause serious emotional or physical damage to the child:

☐ mother
☐ Presumed father
☐ Other (specify): _____

☐ Biological father
☐ Indian custodian
☐ Other (specify): _____

☐ Legal guardian
☐ Other (specify): _____
6. ☐ There has been a change in the child's placement, and the child is an Indian child or there is reason to know that the child is an Indian child. Currently (**check one**):
 - a. ☐ the child is placed with a member of the child's extended family as defined by section 1903 of the title 25 of the United States Code; or
 - b. ☐ a diligent search was made for a placement with a member of the child's extended family, the efforts are documented in detail in the record, and the child is placed in a foster home licensed, approved, or specified by the Indian child's tribe; or
 - c. ☐ a diligent search was made for a placement with a member of the child's extended family or in a foster home licensed, approved, or specified by the Indian child's tribe; the efforts are documented in detail in the record; and the child is placed in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
 - d. ☐ a diligent search was made for a placement with a member of the child's extended family, in a foster home licensed, approved, or specified by the Indian child's tribe, or in an Indian foster home licensed or approved by an authorized non-Indian licensing authority; the efforts are documented in detail in the record; and the child is placed in an institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs; or
 - e. ☐ the child is placed in accordance with the preferences established by the tribe; or



CHILD'S NAME:	CASE NUMBER:
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6. f. ☐ the court finds by clear and convincing evidence that there is good cause to depart from the placement preferences based on the reasons set out in the record.
7. ☐ **The child's current placement is appropriate.**
8. ☐ For a child placed in a short-term residential therapeutic program or community treatment facility, the court has considered the evidence and documentation submitted under Welf. & Inst. Code, § 366.1(m) when determining the continuing necessity for and appropriateness of the placement.
9. ☐ The child has left their placement, and their whereabouts are unknown. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate. The county agency ☐ has ☐ has not made reasonable efforts to locate the child.
10. ☐ The child is currently detained in juvenile hall. Out-of-home placement continues to be necessary. The placement ☐ was ☐ was not appropriate.
11. ☐ **The child's current placement is not appropriate.** The county agency must locate an appropriate placement for the child.
- a. ☐ The matter is continued to the date and time indicated in form JV-455, item 28, for a ☐ written ☐ oral report by the county agency on the progress made in locating an appropriate placement.
- b. ☐ Other (*specify*):
12. ☐ **The child is placed outside the state of California, and that out-of-state placement**
- a. ☐ continues to be the most appropriate placement for the child and is in the best interest of the child.
- b. ☐ is no longer the most appropriate placement for the child and is not in the best interest of the child. The matter is continued to the date and time indicated in form JV-455, item 28 for a ☐ written ☐ oral report by the county agency on the progress made toward
- (1) ☐ returning the child to California and locating an appropriate placement within California.
- (2) ☐ locating an out-of-state placement that is the most appropriate placement for the child and in the best interest of the child.
- (3) ☐ Other (*specify*):

Selection of permanent plan

13. The county agency ☐ has ☐ has not exercised due diligence to locate an appropriate relative with whom the child could be placed. Each relative whose name has been submitted to the agency ☐ has ☐ has not been evaluated.
14. ☐ **By clear and convincing evidence, there is a compelling reason for determining that a hearing under Welf. & Inst. Code, § 366.26 is not in the best interest of the child** because the child is not a proper subject for adoption at this time and a potential legal guardian has not been identified.
- a. ☐ The child's permanent plan is permanent placement with (*name*): a fit and willing relative.
The likely date by which the child's permanent plan will be achieved is (*date*):
- b. ☐ The child is ordered to remain in foster care with a permanent plan of
- (1) ☐ return home.
- (2) ☐ adoption.
- (3) ☐ tribal customary adoption.
- (4) ☐ legal guardianship.
- (5) ☐ placement with a fit and willing relative.



CHILD'S NAME:	CASE NUMBER:
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14. c. ☐ The child is 16 years of age or older, there is a compelling reason that no other preferred permanent plan is in the child's best interest, and the child is ordered placed in another planned permanent living arrangement with ongoing and intensive efforts to
- ☐ return home. ☐ establish legal guardianship.
- ☐ place for adoption. ☐ place with a relative.
- ☐ Other (*specify*):
- The likely date** by which the child's permanent plan will be achieved is (*date*):
- d. ☐ The court finds that the barriers to achieving the child's permanent plans are (*describe*):

15. ☐ **For a child 16 years of age or older placed in another planned permanent living arrangement,**
- a. the court asked the child where the child wants to live, and the child provided the following information (*describe*):
- b. the court has considered the evidence before it and finds that another planned permanent living arrangement is the best permanent plan because (*describe*):
- c. the compelling reasons why the other permanent plan options are not in the child's best interest are (*describe*):

16. ☐ a. **The matter is ordered set for hearing under Welf. & Inst. Code, § 366.26 to select the most appropriate permanent plan for the child.**
- b. By clear and convincing evidence, reasonable services have been provided or offered to the child's parents, legal guardian, or Indian custodian.
- c. The county agency and the licensed county adoption agency or the California Department of Social Services, acting as an adoption agency, will prepare and serve an assessment report as described in Welf. & Inst. Code, § 366.25(b). The county agency report must include evidence of all inquiry done to determine whether the child is or may be an Indian child, including evidence that inquiry has been made of the child, the parents, and available extended family members, and the results of that inquiry.
- d. The court advised all parties present in court that to preserve any right to review on appeal of this order, a party must seek an extraordinary writ by filing a notice of intent to file a writ petition and a request for the record, which may be submitted on *Notice of Intent to File Writ Petition and Request for Record to Review Order Setting a Hearing Under Welfare and Institutions Code Section 366.26 (California Rules of Court, Rule 8.450)* (form JV-820), and a petition for extraordinary writ, which may be submitted on *Petition for Extraordinary Writ* (form JV-825). A copy of each form is available in the courtroom. The court advised all parties present in court that, as to them, a notice of intent to file a writ petition and request for record must be filed with the juvenile court clerk within seven days of the date of this hearing. The clerk of the court must provide written notice as stated in rule 5.590(b)(2) of the California Rules of Court to any party not present.
- e. The court advised each parent present in court of the date, time, and place of the hearing set under Welf. & Inst. Code, § 366.26; their right to counsel; the nature of the proceedings; and the requirement that at the proceedings the court must select and implement a plan of adoption, guardianship, placement with a fit and willing relative, or another planned permanent living arrangement, or, in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption for the child. The court ordered each parent present in court to appear for the hearing set under Welf. & Inst. Code, § 366.26 and directed that each parent be notified hereafter by first-class mail to their usual place of residence or business only.



CHILD'S NAME:	CASE NUMBER:
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16. f. ☐ The court orders that no notice of the hearing set under Welf. & Inst. Code, § 366.26 be provided to the person named below, who is a mother, a presumed father, or an alleged father and who has relinquished the child for adoption where the relinquishment has been accepted and filed with notice under Family Code, § 8700, or an alleged father who has denied paternity and has executed section 2 of *Statement Regarding Parentage* (form JV-505).
- (1) (name):
- (2) (name):
- (3) (name):
- (4) (name):
- g. **The likely date** by which the child may be placed for adoption, tribal customary adoption, legal guardianship, or with a fit and willing relative is (date):

Family finding and engagement

17. a. ☐ The county agency has exercised due diligence to identify, locate, and contact the child's kin who could provide family support or possible placement, and the names of the kin and results of the diligent efforts are documented.
- b. ☐ The county agency has not exercised due diligence to identify, locate, and contact the child's kin.
- (1) The county agency is ordered to make such diligent efforts, except for individuals the agency has determined to be inappropriate to contact because of their involvement with the family or domestic violence.
- (2) The county agency must submit a report to the court on or before (date): detailing the diligent efforts made and the results of such efforts.

Important individuals

18. ☐ **Child is 10 years of age or older**
- a. ☐ The county agency has made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- b. ☐ The county agency has not made reasonable efforts to identify individuals who are important to the child and to maintain the child's relationships with those individuals, consistent with the child's best interest.
- c. ☐ To identify individuals who are important to the child and to maintain the child's relationships with those individuals, the county agency must provide the services
- (1) ☐ as stated on the record.
- (2) ☐ as follows:

Health

19. ☐ The ☐ mother ☐ biological father ☐ Indian custodian
☐ presumed father ☐ legal guardian ☐ Other (specify):
☐ Other (specify):
- is ☐ unable ☐ unwilling ☐ unavailable to make decisions regarding the child's needs for medical, surgical, dental, or other remedial care, and the right to make these decisions is suspended under Welf. & Inst. Code, § 369 and vested with the county agency.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
1.	California Department of Social Services By: Dianna L. Wagner, LMFT, Assistance Deputy Director, Children & Family Services; Laila DeRouen, Director, Office of Tribal Affairs	NI	This letter provides comments on behalf of the California Department of Social Services (CDSS) on the Judicial Council of California’s proposed amendments to rules 5.481, 5.669, 5.708, and 5.724 of the California Rules of Court, and the accompanying Judicial Council forms. The proposed changes to the rules and forms are in response to amendments made by Assembly Bill (AB) 81 (Stats. 2024, Ch. 656) to California’s laws (Cal-ICWA) implementing the Indian Child Welfare Act of 1978 (ICWA, 25 U.S.C. § 1901 et seq.) in Indian child custody proceedings, and by AB 2929 (Stats. 2024, Ch. 845), which addressed family finding in juvenile dependency cases.	No response required. The forum and committee appreciate the feedback.
			The CDSS is “the single state agency with full power to supervise every phase of the administration of public social services, except health care services and medical assistance, for which grants-in-aid are received from the United States government or made by the state in order to secure full compliance with the applicable provisions of state and federal laws.” (Welf. & Inst. Code § 10600.) In that capacity, CDSS regulates county responsibilities for applying the Indian	No response required.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		Child Welfare Act (ICWA) and Cal-ICWA in Indian child custody proceedings, including adoptions outside of the juvenile court context. The CDSS is also responsible for providing guidance to the counties related to implementation of the ICWA and Cal-ICWA. The CDSS' comments are confined to the proposed amendments related to the ICWA rules and forms. It has no concerns related to the family finding proposals.	
		For many years, CDSS and the Judicial Council have partnered on California's efforts to improve compliance with and implementation of the ICWA and Cal-ICWA. The two branches of government have worked collaboratively with each other and Tribes in California to improve practices in the state courts and by local public and private agencies involved in Indian child custody proceedings. In this spirit of ongoing collaboration, and in its role in supervising county implementation of the relevant laws, CDSS offers these comments. The CDSS focuses its response on the two specific questions posed by the Invitation to Comment. This letter addresses CDSS' concerns about the proposed revised forms first and then turns to the issue of	No response required.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		whether the proposed amendments to the rules of court address the Judicial Council's stated purpose for the amendments. The CDSS has attached a chart that provides more specific feedback to individual subdivisions of the proposed rules and revised forms.	
		The CDSS' primary concern is that the revised forms may not accomplish the shared goal of ensuring that the ICWA inquiry is completed correctly. While much of the language added to the forms is consistent with the changes made to Welfare and Institutions Code section 224.2, CDSS believes more holistic changes are necessary to improve the quality of information provided through the forms. The CDSS further believes that, unless the forms are upgraded more significantly, there will continue to be numerous appeals raising the issue of inadequate ICWA inquiry.	The forum and committee would appreciate the opportunity to work with CDSS in a future cycle, as time and resources permit, on more holistic changes that might improve ICWA compliance.
		With respect to the ICWA-010(A) and the ICWA-020, they should be designed to be user friendly, with the understanding that these forms are not completed by court staff. They are completed by laypersons, i.e., social workers, probation officers, parents, legal guardians, Indian custodians, prospective adoptive parents, and prospective guardians,	The forum and committee would be happy to work with CDSS on such a redesign in a future cycle. A comprehensive redesign is beyond the scope of the current proposal.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		maybe with the assistance of counsel depending on the circumstances. The individuals completing these forms may be unaware of the significance of the forms in relation to the ICWA and the inquiry requirements. Furthermore, both forms would benefit from inclusion of a brief description of the ICWA to help orient the preparer as to the purpose of the forms.	
		The ICWA-010(A) is completed in preparation for filing a petition to initiate juvenile dependency and juvenile justice proceedings, termination of parental rights and adoptions proceedings, or probate guardianship proceedings. Redesigning the form to keep in mind the education and training of the person completing the form would likely result in more complete and higher quality information.	The forum and committee would be happy to work with CDSS on such a redesign in a future cycle. A comprehensive redesign is beyond the scope of the current proposal.
		The ICWA-020 was referenced in both <i>In re Dezi C.</i> (2024) 16 Cal.5 1112 (<i>Dezi C.</i>), and <i>In re Kenneth D.</i> (2024) 16 Cal.5th 1087 (<i>Kenneth D.</i>), as a primary source of information regarding inquiry. The form, however, is often incomplete due to the circumstances under which it is prepared. It is completed at the onset of the case, or first	The forum and committee would be happy to work with CDSS on such a redesign in a future cycle. A comprehensive redesign is beyond the scope of the current proposal.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		appearance by a party, and is expected to be completed by the parent, Indian custodian, or guardian of the child. These individuals are typically not familiar with the court system or the requirements of the ICWA. They may or may not be assisted by someone more knowledgeable, such as an attorney or social worker, when completing the form. In addition, the context when this form is being completed by these individuals is often characterized by significant stress and heightened emotional states, where the government or a private person is seeking to take custody of their child. The design of the form should take these factors into account with additional explanations as well use of plain language.	
		CDSS’ specific comments and recommendations regarding these two forms, as well as other forms included in the Invitation to Comment, are addressed in the accompanying chart. The CDSS welcomes further discussion and collaboration with the Judicial Council to ensure the forms are designed to support the laypeople who explain and/or complete them. Such collaboration should include, if possible, engagement with	As set out in more detail below, to the extent the specific changes recommended were within the scope of the proposal as circulated for public comment, they have been addressed. The forum and committee would be happy to work with CDSS on such a redesign in a future cycle. A comprehensive redesign is beyond the scope of the current proposal.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		Tribes, juvenile court practitioners, adoption practitioners, and participants in probate guardianship proceedings.	
		<u>Whether the Proposal Addresses the Stated Purpose</u> The Invitation to Comment provides the relevant stated purpose to implement changes to the law made by AB 81, focusing on the inquiry requirements, and responding to the decisions in <i>Kenneth D.</i> and <i>Dezi C.</i> Overall, the proposed amendments to the rules of court are consistent with the amendments made to the Welfare and Institutions Code by AB 81, with some minor omissions identified by CDSS in the accompanying chart. CDSS' larger concern, however, is that not all the changes made by AB 81, or previously by AB 3176 (Stats. 2018, Ch. 833) or Senate Bill (SB) 678 (Stats. 2006, Ch. 838), are reflected in the proposed amendments to the rules and forms. Those omissions include, but may not be limited to, the following:	The forum and committee would be happy to work with CDSS on further changes in a future cycle.
		Rule 5.481 does not include a requirement that the court make any findings consistent with subdivision (g) of Welfare and Institutions Code section 224.2.	As a general matter, rules do not repeat what is required by statute. Further, adding additional language regarding the nature of further inquiry is outside the scope of the current proposal and would be a substantive

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
			change requiring recirculation for public comment. (See Cal. Rules of Court, rule 10.22(d)(2).) The forum and committee will consider this change in a future cycle.
		Rule 5.481 does not include any provisions related to determining which of multiple Tribes is the child's Indian Tribe, consistent with the requirements of subdivision (e) of Welfare and Institutions Code section 224.1. These were added by AB 3176 to bring the law into conformity with Section 23.109 of the 2016 Bureau of Indian Affairs (BIA) ICWA Final Rule (25 C.F.R. § 23.109). Those requirements were incorporated by AB 81 into Welfare and Institutions Code section 306.6 to apply when a child may be a member or eligible for membership in more than one non-federally recognized Tribe.	This is outside the scope of the current proposal. Addressing the issue of determining which of several tribes should be recognized as the child's tribe for a specific case would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.
		Rule 5.534 does not reflect the right of indigent Indian custodians to court-appointed counsel. This has been a federal requirement since the ICWA was enacted in 1978 (25 U.S.C. § 1912(b)) and a state requirement since 2006, when the ICWA standards were first incorporated into California law by SB 678.	This is outside the scope of the current proposal. Any changes to rule 5.534 would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			Rules 5.708 through 5.720 have not been updated to reflect that reunification services must be extended to the next review hearing if the court determines that active efforts were not made. Section 366.22 of the Welfare and Institutions Code was amended in 2023 by AB 937 (Stats. 2023, Ch. 458) to require the extension of reunification services at the 18-month review hearing if the court found that the county child welfare agency did not make active efforts unless the court made specific findings by clear and convincing evidence that extending reunification services would be detrimental to the child. (Welf. & Inst. Code § 366.22, subd. (b)(2).) The requirement that reunification services be extended if active efforts were not made was added subsequently by AB 81 to the provisions for 6- and 12-month review hearings. (Welf. & Inst. Code § 366.21, subds. (e)(3), (g)(1), (g)(2).)	This is outside the scope of the current proposal. Rules 5.710, 5.715, and 5.720 are not part of the current proposal. This would be a substantive change that should circulate for public comment. The forum and committee will consider this change in a future cycle.
			No amendments to the Rules of Court governing juvenile justice proceedings have been made to incorporate any of the changes made by AB 81. The only form used in juvenile justice proceedings that has been updated is the JV-320.	This is outside the scope of the current proposal. This would involve substantive changes that should circulate for public comment. The forum and committee will consider this change in a future cycle.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		The rules and forms do not adequately reflect that, pursuant to the California Supreme Court’s holding <i>In re W.B.</i> (2012) 55 Cal.4th 30, 54-55, inquiry must occur at the inception of all juvenile justice cases regardless of whether the minor is in foster care or at risk of entering foster care as currently described in rules 5.480 and 5.481.	This is outside the scope of the current proposal. This would involve substantive changes that should circulate for public comment. The forum and committee will consider this change in a future cycle.
		The CDSS recommends more robust review of and updates to the rules and forms to meet the stated purpose of these proposed amendments to the ICWA rules and forms.	No response required.
		<u>Conclusion</u> The CDSS appreciates the opportunity to participate in the public comment process and is available to answer further questions about the comments above. You can reach us at ICWASStatePlan@dss.ca.gov.	No response required.
		Rule 5.481 Subd. (a)(2) • Consider striking “in which the child is at risk of entering foster care or is in foster care” so the clause regarding juvenile wardship proceedings would end after “proceedings” • Consider making a similar amendment to Rule 5.480, subd. (2).	Striking these words would expand the category of juvenile wardship cases in which inquiry could be required. This would be a substantive change that is beyond the scope of the proposal. The forum and committee will consider this in a future cycle.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		Subd. (a)(4)(B) • The CDSS regularly receives requests for assistance in identifying whether a child is an Indian child, as opposed to identifying the contact person for Tribes. Consider placing “if the agency has been unable to make contact with such Tribes” at the beginning of this provision. • In this same clause, consider replacing “agency” with “petitioner” or “petitioning party” because this applies to private persons as well as agencies.	
		Rule 5.668 Subd. (c)(2) • Consider adding “and other interested persons” after “all parties” to be consistent with Welf. & Inst. Code § 224.2, subd. (c).	The proposal has been revised as suggested in response to this and other comments.
		Rule 5.708 Subd. (b)(4) • Where there is reason to know a child is an Indian child, but the petitioner has been unable to confirm the status, consider requiring a finding that the petitioner has exercised “due diligence to identify and work with all of the Tribes of which there is reason to know the child may be a member or citizen	This suggestion is a significant revision that was not part of the proposal as circulated for public comment, but the forum and committee will consider this suggestion for a future cycle.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			...” consistent with Welf. & Inst. Code § 224.2, subd. (g).	
			ICWA-005-INFO Form • The CDSS finds the Information Sheet (ICWA-005-INFO) hard to read due to the small font and small line/paragraph breaks. Consider making this form less dense to improve its readability. • To the extent this form is used to help guide inquiry and notice for juvenile court proceedings, consider mirroring the organizational structure and language used by CDSS in All County Letter No. 23-46. The CDSS issued this guidance after extensive consultation with California Indian Tribes and with input from juvenile court practitioners. Its content and structure were greatly informed by the tribal consultation and stakeholder input. • Information about service on the Secretary of the Interior and the Sacramento Area Director of the BIA is out of date. Copies of notice need only go to the Sacramento Area Director as required by the 2016 BIA ICWA Final Rule (25 C.F.R. § 23.11, subd. (b)(12)) and Welf. & Inst. Code § 224.3, subd. (a)(4).	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and would need to circulate for public comment. These comments will be considered by the forum and committee for a future cycle.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			ICWA-10(A) Form Section 2 • It is unclear which check box the phrase “and on information and belief confirm that this person has completed inquiry by asking” modifies. This could be made clear by having “I have asked” be on a separate line from “I am advised by _____, and on information and belief confirm this person has completed inquiry by asking,” followed by another line for “the child, the child’s parents, and other required and available persons about the child’s Indian status.” • Consider replacing “other required and available persons” with the specific persons listed in subdivision (b)(2) of Welfare and Institutions Code section 224.2, i.e. “legal guardian, Indian custodian, extended family members, others who have an interest in the child, and the party reporting child abuse or neglect.” That list can be modified with “as available.” • In most dependency cases, inquiry is performed by more than one person. (See e.g. Welf. & Inst. Code § 224.2, subd. (a) & (b).) Consider having separate space to identify which person asked which individual about the child’s Indian status rather than using the	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and would need to circulate for public comment. The comments will be considered by the forum and committee for a future cycle.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			check boxes. Instead of the check boxes, there could be space for a name of the person performing inquiry followed by space for the names, addresses, phone numbers, date of inquiry, and the relationship to the child of the persons questioned. • The form includes areas for information about only two persons who are questioned and has no space for identifying what each person responds. Consider revising this form to include more than two entries and have each entry identify who did the questioning and what the response was. This would likely result in more complete information about who was asked, what they were asked, and by whom.	
			ICWA-020 Form Some of the information requested in the form goes beyond what is required by law. • Section 3.b – The reasons why the individual preparing the form thinks the child has a tribal affiliation is not legally required. Additionally, there is insufficient space included to add that information. If the Judicial Council believes this information is necessary and/or helpful, consider revising the form to allow more space for the narrative information.	The extensive revisions and reorganization of this form suggested in the comment are outside the scope of the current proposal and would need to circulate for public comment. The comments will be considered by the forum and committee for a future cycle.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			• Section 4 – This information is not legally required. It appears designed to help the court determine if prior information has been provided. The way the information is requested, however, is vague and confusing. The person completing the form may not know if an ICWA-020 has been filed previously with the court. A form could have been filed previously by another party or for another child, not the person completing the form. One could have been submitted in a previous dependency or juvenile justice case regarding the same child. If the Judicial Council believes this question is necessary for the court’s information, the question should be rephrased in the active voice and specific as to the proceeding, e.g. “I have/have not previously filed an ICWA-020 in this proceeding” and add the option of an “unknown” response.	
			JV-101(A) Form Section 5.k.(3) Consider adding space for the petitioner to identify the reasons why specific persons were not questioned and/or what inquiry remains to be completed.	The forum and committee considered this request but determined that the kind of narrative that would be required is not appropriate for this form which is not intended to contain all evidence of inquiry, but only whether the initial inquiry has been completed.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		JV-405 section 12.b.(4) Consider replacing the statement “the ICWA applies” with the more accurate description used in other forms "The court finds that the child is an Indian child and a member of the _____ Tribe.”	Item 12b(4) was revised consistent with this suggestion and similar suggestions from other commenters.
		JV-421 Section 13 Consider adding a heading to identify these findings as related to “Placement of an Indian child”	The proposal was revised as suggested in response to this comment.
		JV-430 section 6.b.(2) Contact with the BIA and/or CDSS is not required for every case. Moreover, the BIA and CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. § 224.2, subd. (b)(2)(B). Consider revising consistent with the statutory requirements.	The proposal was revised as suggested in response to this comment.
		JV-440 Section 6.b.(2) Contact with the BIA and/or CDSS is not required in every case. Moreover, the BIA and CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. Code § 224.2, subd. (b)(2)(B). Consider	The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			revising consistent with the statutory requirements.	
			JV-446 Section 4.6. There is no longer a requirement to provide notice to the BIA when there is reason to believe a child is an Indian child. A copy of notice to the BIA is required only when it is known or there is reason to know a child is an Indian child. (25 C.F.R. § 23.11, subd. (b)(12)) & Welf. & Inst. Code § 224.3, subd. (a)(4). Consider adding an Inquiry section consistent with the forms for other review hearings.	The proposal was revised as suggested in response to this comment. The forum and committee do not recommend adding an ICWA inquiry section for the post-permanency phase.
			JV-455 Section 6.b.(2) Contact with the BIA and/or CDSS is not required in every case. Moreover, the BIA and CDSS are to be contacted only when the petitioner is unable to determine the contact information for the Tribe(s). (Welf. & Inst. Code § 224.2, subd. (b)(2)(B)). Consider revising consistent with the statutory requirements.	The proposal was revised as suggested in response to this comment.
2.	California Lawyers Association, Family Law Section Executive Forum and committee	A	FLEXCOM agrees with this proposal.	No response required.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
	By: Saul Bercovitch, Chief Governmental Affairs Officer			
3.	California Tribal Families Coalition By: Michelle Castagne, Co-Executive Director	AM	RE: SPR-30 Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding Greetings, Please accept the following comments on behalf of the California Tribal Families Coalition, a tribal membership organization made up of nearly 50 member tribes throughout the state, on the proposed Rules, Forms, Standards and Statutes in the Invitation to Comment “SPR-30.”	No response required.
			<u>Rule 5.481</u> Yes, the proposed changes in (a)(2) adequately bring the Rule of Court in alignment with the statute following the passage of AB 81 in 2024. We are aware of the challenges described in the proposal narrative on Page 3 that representatives of the Bureau of Indian Affairs (BIA) and California Department of Social Services (CDSS) are often contacted with little to no information about a child’s family and connection to a Tribe. This can delay court proceedings and overburden BIA and CDSS representatives whose duties often include responding to state inquiries as well as providing technical	No response required. The forum and committee appreciate the feedback.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		assistance and training to tribal child welfare programs. The proposed changes in (a)(4)(B) offer a reasonable clarification that interviewing family members should happen before contacting BIA or CDSS in the process of further inquiry.	
		<u>Rule 5.668</u> Yes, the proposed changes adequately bring the Rule of Court in alignment with the statute following the passage of AB 81 in 2024.	No response required. The forum and committee appreciate the feedback.
		<u>Rule 5.708</u> Partially, we recommend the following additional changes to (b)(1)(E): <u>(E) A factual discussion of all efforts the agency has made to comply with the affirmative and continuing duty to inquire whether the child is or may be an Indian child, including evidence that inquiry in accordance with section 224.2 has been made of the child, any parent, legal guardian, Indian custodian, or extended family members, or other interested persons contacted by the agency.</u>	The proposal was revised as suggested in response to this comment.
		The proposal seems limited to enumerating only parent and extended family members as that is the language in the case law cited in the proposal narrative, however, enumerating the	The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		full list from 224.2 in the Rule of Court may eliminate confusion around what inquiry efforts need to be documented and, hopefully, limit further appeals.	
		<u>Rule 5.725</u> Yes, requiring documentation of inquiry in the agency report and in court findings seems to adequately address the stated purpose to limit appeals related to inquiry when the record is left unclear as to inquiry efforts made.	No response required. The forum and committee appreciate the feedback.
		Is the information sought in the forms ICWA-010(A) and ICWA-020 helpful and complete? 1. We recommend anywhere the forms or instructions cite or refer to the federal Indian Child Welfare Act, that they also cite or refer to the corresponding California state law. For example, the “Note” on the bottom of Page 1 of 1 of the ICWA-020 could be updated to state, “Additional inquiry may be required by the Indian Child Welfare Act and/or California state law.” One of the goals of AB 81, a catalyst for this proposal, was to reduce reliance on federal law and to differentiated where state law differs from the federal requirements. Including state law references wherever ICWA is cited or referenced, will	The proposal was revised as suggested to recommend that the ICWA-020 form be updated to include reference to state law requirements.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		lessen the reliance on only the federal protections and provide a guide to practitioners on where to find Cal-ICWA provisions throughout the state code.	
		2. We recommend updating the language of Finding #12(b)(4) on page 3 of 4 of the JV-405 to clarify that ICWA does not only apply once a child is a member of a tribe: (4) the court finds that the child is an Indian child and the Indian Child Welfare Act applies. The child is a member of, or eligible for membership and a biological child of an enrolled tribal member, of the _____ tribe.	The proposal was revised as suggested in response to this comment, with the exception of the mention of “enrollment”. Neither federal nor state law require enrollment as a prerequisite to the application of ICWA.
		3. We recommend the same language change above in 2 be applied to Finding #7(e) on Page 2 of 4 of the JV-415.	The proposal was revised in response to this comment.
		4. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-430.	The proposal was revised in response to this comment.
		5. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-440.	The proposal was revised in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			6. We recommend the same language change above in 2 be applied to Finding #6(d) on Page 2 of 6 of the JV-455.	The proposal was revised in response to this comment.
4.	Hon. Steven Ipson, Judge of the Superior Court of California, County of Los Angeles	A	[No further comments provided.]	No response required.
5.	Office of the County Counsel, County of Sacramento By: Christopher S. Costa, Supervising Deputy County Counsel	NI	-Regarding proposed rule 5.708(b)(1)(E), recommend removing reference to WIC section 224.2, so the second half of the sentence reads "...including evidence that inquiry has been made of any parent or extended family members contacted by the agency." WIC section 224.2(a) requires that the county agency inquire of the child and each family member "at the first contact" and referencing this section here may limit agencies/courts from considering additional information the agency has discovered after the first contact with the parents/family or during its further inquiry pursuant to WIC section 224.2(e)(2)(A). -Regarding proposed rule 5.708(b), recommending adding a subdivision, at or after subsection 5.708(b)(4), addressing WIC section 224.2(i)(2). Recommend adding the sentence: "If the court previously found that	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			ICWA does not apply to the proceedings pursuant to section 224.2(i)(2), the court must determine whether there is any additional information that was not previously available to the agency or the court, when making a finding as to whether the agency has fulfilled its affirmative and continuing duty to inquire whether the child is or may be an Indian child.” If the rule does not address WIC section 224.2(i)(2) or any prior court order that ICWA does not apply to the proceedings (particularly pre-AB 81 orders), it will not be clear whether the agency and court have a continued obligation to inquire. This will also encourage practitioners to review the record for new or additional extended family members that may have come forward since the court’s prior order. -Regarding proposed rule 5.725 and all relevant proposed JV-Forms, recommend removing the “throughout the life of the case” term. That term is not used in the relevant cases and for purposes of the court’s findings at the section 366.26 hearing and other status review hearings, it may complicate the legal requirement from section 224.2. The court and agency do have an affirmative and	The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			continuing duty to inquire, however, the law does not create a requirement for the court to reflect on that inquiry summarily at the later stages of the case. Instead of requiring the court to reflect on whether that inquiry was consistent throughout the life of the case, the court should continue to review whether the agency was duly diligent for the relevant review period.	
6.	Office of County Counsel, County of San Diego By: Evangelina Woo, Senior Deputy County Counsel	AM	The proposal appropriately addresses the stated purpose. Changes to Rule 5.481 regarding when to contact the BIA and CDSS are particularly helpful, as there is some confusion in our county regarding the entities' roles (some courtrooms are treating the BIA and CDSS like they can make membership determinations and continuing cases to await a response from the BIA/CDSS before proceeding.)	No response required. The forum and committee appreciate the feedback.
			For the ICWA-010(a) item 2 contains the language "Each of these persons was asked whether they had any information that the child or the child's parents were affiliated with an Indian tribe. . . ". Proposal to change this to "Each of these persons were asked whether they had any information that the child is or may be an Indian child; whether the parents or	The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			child are/were domiciled or lived on tribal lands or a reservation, or had ancestors who were members of an Indian tribe" to be consistent with the language in § 224.2(c)	
			For the ICWA-020 Item 3(b) "(state why you think the child is affiliated with the tribe)" there is no room on the form to record the individual's answer to why they think the child is member or eligible for membership. Also, the term "affiliated with" is broader/more nebulous than the standard for "reason to believe" and "reason to know" – suggestion to change it to "state why you think the child is or may be a member or eligible for membership. . . " Lastly, there is a typo on item 3(d) – should say "have lived" instead of "has lived."	The proposal was revised as suggested in response to these comments.
7.	Orange County Bar Association By: Mei Tsang, President	AM	The language between Rules 5.481(a)(2), (a)(2)(A), and 5.668(c)(1) can be standardized. We suggest that the first sentence on Rule 5.481(a)(2) read: “At the first appearance in court of each party or other interested person; or in juvenile wardship proceedings...”	The proposal was revised as suggested in response to this comment.
			The proposed changes in report requirements suggested for Rules 5.708(b)(1)(E) and	No response required. The forum and committee appreciate the feedback.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		5.725(c) are not technically required based on the recent case authority and statutes, but align with best practices and are well-taken.	
		The change proposed for JV-405, item 12b1 [p.29] could be read to mean that there has not been sufficient inquiry given the specific facts of the case, rather than noting the generally-applicable continuing duty of inquiry. We suggest modifying the language from “The agency is ordered to continue its inquiry to determine whether the child is or may be an Indian child and report back to the court on its efforts” to “The agency is under an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child.”	The proposal was revised as suggested in response to this comment.
		For the same reason, this sentence can also replace the suggested second sentence in JV-410, item 11a [p. 32], the suggested second sentence in JV-415, item 7d [p.43]; the last suggested sentence in JV-421, item 4 [p.45]; the suggested second sentence in JV-430, item 6a [p.55]; the suggested second sentence in JV-435, item 6a [p. 69]; the suggested second sentence in JV-440, item 6a [p.82]; and the suggested second sentence in JV-455, item 6a [p.104].	The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
8.	Superior Court of California, County of Los Angeles By: Stephanie Kuo	A	The following comments are representative of the Superior Court of California, County of Los Angeles (Court), and do not represent or promote the viewpoint of any particular judicial officer or employee.	No response required.
			In response to the Judicial Council of California’s ITC, “Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding,” the Court agrees with the proposal and its ability to appropriately address its stated purpose. Additionally, the Court agrees that the information sought in the forms ICWA-010(A) and ICWA-020 are helpful and complete.	No response required. The forum and committee appreciate the feedback.
			Although the Court does not see any cost savings from the proposal, it anticipates minimal implementation requirements, which include but are not limited to: Training for staff Updating policies and procedures Updating macros, event codes, and forms in the case management system	No response required. The forum and committee appreciate the feedback.
			Lastly, the Court agrees that three to six months from Judicial Council approval of this proposal until its effective date will provide sufficient time for implementation and that	No response required. The forum and committee appreciate the feedback.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			this proposal would work well in courts of different sizes.	
9.	Superior Court of California, County of Orange By: Katie Tobias, Operations Analyst	NI	<i>Does the proposal appropriately address the stated purpose?</i> Yes, the proposal appropriately addresses the stated purpose.	No response required. The forum and committee appreciate the feedback.
			<i>Is the information sought in the forms ICWA-010(A) and ICWA-020 helpful and complete?</i> Yes, the information in the forms ICWA-010(A) and ICWA-020 is helpful and complete.	No response required. The forum and committee appreciate the feedback.
			<i>Would the proposal provide cost savings? If so, please quantify.</i> No, the proposal does not appear to provide cost savings.	No response required. The forum and committee appreciate the feedback.
			<i>What would the implementation requirements be for courts—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?</i> Implementation will require providing communication to judicial officers and court staff, revising current procedures, and updating the case management system.	No response required. The forum and committee appreciate the feedback.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			<i>Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?</i> Yes, three months would provide sufficient time for implementation in Orange County.	No response required. The forum and committee appreciate the feedback.
			<i>How well would this proposal work in courts of different sizes?</i> Our court is a large court, and this could work for Orange County.	No response required. The forum and committee appreciate the feedback.
10.	Superior Court of California, County of San Diego, Mike Roddy, Executive Officer	AM	Does the proposal appropriately address the stated purpose? Yes.	No response required. The forum and committee appreciate the feedback.
			Is the information sought in forms ICWA-010(A) and ICWA-020 helpful and complete? Yes.	No response required. The forum and committee appreciate the feedback.
			Would the proposal provide cost savings? If so, please quantify. No.	No response required. The forum and committee appreciate the feedback.
			What would the implementation requirements be for courts for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in	No response required. The forum and committee appreciate the feedback.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		case management systems, or modifying case management systems? Replacing old forms, revising case management systems, training staff, and notifying judicial officers.	
		Would three months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation? Yes.	No response required. The forum and committee appreciate the feedback.
		How well would this proposal work in courts of different sizes? It appears the proposal would work for courts of all sizes.	No response required. The forum and committee appreciate the feedback.
		Rule 5.481 (a)(2)(A) – Delete “other” (match “party or interested person” earlier in the sentence): Ask each party or interested person present whether the party or other interested person knows or has reason to know the child is or may be an Indian child; (a)(2)(B) – Insert “other persons present” per WIC § 224.2(c), last sentence: Instruct the parties and other persons present to inform the court if they subsequently	The proposal was not revised to add “other” earlier in the sentence as the later placement is more consistent with the statutory language. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		receive information that provides reason to know the child is or may be an Indian child; and	
		Rule 5.668 (c)(2) – Insert “other persons present” per WIC § 224.2(c), last sentence: The court must also instruct all parties and other persons present to inform the court if they subsequently receive information that provides reason to know the child is or may be an Indian child and order ...	
		Rule 5.708 (b)(1)(E) – Edit as follows per WIC § 224.2(b)(2) [“Inquiry includes, but is not limited to ...”] A discussion of all efforts the agency has made to comply with the affirmative and continuing duty to inquire whether the child is or may be an Indian child, including evidence that inquiry in accordance with section 224.2 has been made of any parent, legal guardian, Indian custodian, or extended family members, others who have an interest in the child, or reporting party contacted by the agency.	The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		ICWA-005-INFO <u>Right footer on page 1</u> – <i>Query</i>: Should citations to WIC §§ 224.2, 224.3, et al. and Cal. Rules of Court, rule 5.481 be added above “courts.ca.gov”?	The proposal was revised in response to this comment.
		<u>Form ICWA-010(A), 2a & 2b</u> – <i>Queries</i> (see WIC § 224.2(e)): Should “or citizen” be added after “a member”? Should “or citizenship” be added after “a membership”? Should “or may be eligible for membership or citizenship” be added after “of a tribe”? <u>3rd par. after item 3</u>: ... Tribes that learn about the case can investigate and advise you and the court whether the child is a tribal member or citizen or eligible to become a tribal member or citizen, and can then decide whether to get involved in the case or assume tribal jurisdiction. <u>6th par. after item 3</u>: (2) Sharing with the tribe or tribes any information identified by the tribe as necessary for the tribe to make a	Although the comment references form ICWA-10(A), the comments seem to relate to form ICWA-020, and form ICWA-020 form has been revised in response to the suggestions to add reference to tribal “citizen” and “citizenship”.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		determination about the child's tribal membership or citizenship or eligibility for membership or citizenship , as well as information on the current status of the child and the case.	
		<i>Form ICWA-030, Notice of Child Custody Proceeding for Indian Child</i> <u>1st numbered par.</u>, per WIC § 224.3(d)(1) & (d)(3): 1. If the child, an officer of the court, an Indian tribe, an Indian organization, an attorney, a public or private agency, a member of the child's extended family, or any other person having an interest in the child says the child is an Indian child or provides information to anyone involved in the case suggesting that the child is an Indian child; <u>4th numbered par.</u>, per WIC § 224.3(d)(6): 4. If the child or the child's parent(s) have an identification card indicating membership or citizenship in an Indian tribe. <u>Item 3a</u>: Insert close parenthesis. a. The original signed Notice (form ICWA-030) and copies of the documents you sent with it (the petition and form ICWA-010(A));	Revisions to form ICWA-030 were not part of the proposal that circulated for public comment and are therefore outside the scope of this current proposal, but the forum and committee will consider these suggestions for a future proposal.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			ICWA-010(A) <u>Right footer on page 1</u> – <i>Query</i>: Should citations to WIC §§ 224.2, 224.3, et al. and Cal. Rules of Court, rule 5.481 be added above “courts.ca.gov”? <u>Item 4</u>: <i>Query</i> – Should “a citizen or” and “or citizenship” be inserted as shown? I contacted the tribe(s) that the child may be affiliated with and worked with them to establish whether the child is a member or a citizen or eligible for membership or citizenship in the tribe(s). <u>Item 5a</u>: Insert “or citizen” and “or citizenship” as shown. the child is or may be a member or citizen of or eligible for membership or citizenship in a tribe. <u>Item 5b</u>: Insert “or citizens” as shown. The child's parents, grandparents, or great-grandparents are or were members or citizens of a tribe. <u>Item 6</u>: Change “delinquency” to “juvenile justice.”	The proposal was revised as suggested in response to this comment. The proposal has been revised to recommend adding the terms citizen and citizenship.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		If this is a delinquency juvenile justice proceeding under ...	The Judicial Council uses the term “delinquency” in rules and forms to be consistent with statutes and would consider this change if the Legislature updates the statutory language.
		ICWA-020 <u>Item 3a, 3b & 3c:</u> Insert “or citizen” and “or citizenship” as shown. I am or may be a member or citizen of, or eligible for membership or citizenship in, a federally ... The child is or may be a member or citizen of, or eligible for membership or citizenship in, a federally ... One or more of the child’s ... is or was a member or citizen of a federally ... <u>Item 3d:</u> Change “has” to “have.” I am a resident of or am domiciled, live, or has have lived on a reservation, rancheria ...	The proposal was revised as suggested in response to this comment.
		JV-101(A) <u>Page 1, right footer:</u> Add WIC § 224.2 and CRC rule 5.481 to citations. <u>Pages 1 & 2, item 4k(1):</u>	The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		I have asked as to whether the child is or may be a member <u>or citizen</u> of an Indian tribe or eligible for membership <u>or citizenship</u> and the biological child of a member <u>or citizen</u>, and the Indian Child Inquiry Attachment (form ICWA-010(A)) is attached. <u>Pages 1 & 2, item 4k(3):</u> Inquiry about whether the child is or may be a member <u>or citizen</u> of an Indian tribe or eligible for membership <u>or citizenship</u> and the biological child of a member <u>or citizen</u> has not yet been completed for the reasons set out below. ... <u>Page 2, item 5a:</u> Query – Should line 5 be separated and above sub-item a., followed by “Petitioner on information and belief alleges the following:”? (See page 1, item 4.)	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.
		JV-320 <u>Page 1, right footer:</u> Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations. <u>Page 1, item 4b(1):</u> Replace “filed” with “the” because sentence ends with “filed by the agency.”	The proposal was revised as suggested in response to these comments. The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		The court has reviewed filed the <i>Parental Notification of Indian Status</i> ... filed by the agency. The court finds ... interviewing available extended family members, and that there is no reason to believe or know that the child is or may be an Indian child. <u>Page 2, item 7</u>: Replace “finding” with “order.” The court previously made a finding order denying or terminating reunification services ... <u>Page 3, item 14b(4), page 4, item 15a(4), and page 5, item 18a(4)</u>: Insert space between “Other” and “(name).” <u>Page 6, item 22</u>: Change § 366.1(<i>l</i>) to § 366.1(m).	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.
		JV-405 <u>Page 1, right footer</u>: Add WIC § 224.2 and CRC rule 5.481 to citations. <u>Page 2, item 9b</u>: Change “his or her” to “their.”	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		the child did not receive proper notice of his or her their right to attend the hearing. <u>Page 4, item 16</u>: Delete “of the” after “§ 224.3.”	The proposal was revised as suggested in response to this comment
		JV-410 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3, 361.31 and CRC rules 5.481, 5.482, 5.484 to citations. <u>Page 3, item c(1)</u>: the agency has presented evidence in the record that it has exercised due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or <u>Page 3, item c(2)</u>: the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen eligible for membership or citizenship ... <u>Page 4, item 16d</u>: Replace “and family	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			services agency” with “welfare department” per WIC § 319(g). The child is detained, and temporary placement and care of the child is vested with the county child and family services agency welfare department pending the hearing under Welf. & Inst. Code, § 355 or further order of the court. Page 4, item 16g: Edit as shown below per WIC § 319(h)(1)(A). g. The child is temporarily placed in (1) the approved home of a relative that has been assessed pursuant to Welf. & Inst. Code § 361.4. (2) an emergency shelter or other suitable licensed place. (3) other suitable licensed place. (4)(3) a place exempt from licensure designated by the juvenile court. (5)(4) the approved home of a nonrelative extended family member as defined in Welf. & Inst. Code, § 362.7 that has been assessed pursuant to Welf. & Inst. Code § 361.4. (5) in the case of an Indian child, the home of an extended family member as defined in Welf. & Inst. Code § 224.1(c)(1) that has been	The proposal was revised to better reflect the language of the statute, though not in the precise way suggested by the commenter. The comment alerted staff that the version of form JV-410 that circulated for public comment did not include revisions that took effect January 1, 2025 and reworded this item consistent with the language of section 319(h) of the Welfare and Institutions Code. That updated language appears to address many of the concerns in this comment. The forum and the committee considered the remaining suggested revisions, specifically the suggestion to have placement options for Indian children in their own section but were concerned that if the additional placement options for Indian children were pulled out in the way suggested by the commenter, it might suggest that those were the exclusive options available for

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		assessed pursuant to Welf. & Inst. Code § 361.4. (6) the approved home of a resource family as described in Welf. & Inst. Code § 16519.5, or a home licensed or approved by the Indian child's tribe. (6)(7) a short-term residential therapeutic program or community treatment facility. ...	placement of an Indian child, and not additional options available in those cases.
		JV-412 Page 1, right footer: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations. Page 2, item 4b: Replace “his or her” with “their.” ... The child was properly notified ... of his or her their right to attend the hearing, Page 4, item 17g: Insert “Other” before “(Specify):”	The proposal was revised as suggested in response to these comments.
		JV-415 Page 1, right footer: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations. Page 2, item 4b: Replace “his or her” with “their.” ... The child was properly notified ... of his or her their right to attend the hearing,	The proposal was revised in response as suggested to these comments.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 2, items 7a & 7b</u>: Replace “his or her” with “the child’s.” ... has asked the child, if old enough, and his or her the child’s parents or legal guardians ... <u>Page 2, items 7d(1)</u>: Insert “or citizen” and “or citizenship.” ... of which the child may be a member or citizen or eligible for membership or citizenship to verify the child’s status; <u>Page 3, item 13</u>: Change “box” to “boxes” and change “form” to “forms.”	
		JV-421 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations. <u>Page 3, item 16</u>: <i>Query</i> – Should text be added ordering the county agency to report back to the court on the progress made toward locating the child (e.g., items 18.a. and 20.b.)? <u>Page 3, items 18a & 20b</u>: Change “item 18” to “item 17” after “JV-415.”	The proposal was revised as suggested in response to this comment. The forum and committee appreciate this comment, but the suggested text is not required by statute and would create a burden on the agency. The forum and committee do recommend such a change at this time. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		Page 3, item 19: Change “§ 366.1(I)” to “§ 366.1(m).” Alternatively, delete the subdivision (i.e., “§ 366.1”) so that future amendments to the statute do not require further revisions to the form. Page 6, item 31: Change “item 28” to “item 29.” Page 6, item 34: Query – Should “and developmental services” be inserted after “educational”? See suggested edits below. a. A limitation on the right of the parents to make educational and developmental-services decisions for the child is not necessary. The parents hold educational decision making rights and responsibilities in regard to the child's education and developmental services, including those described in rule 5.650(e) and (f) of the California Rules of Court. ... b. b. A limitation on the right of the parents to make educational and developmental-services decisions for the child is necessary, and those rights	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The forum and committee considered this comment but do not recommend the revision. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		are limited The educational decision making rights and responsibilities of the educational representative rights holder are described in rule 5.650(e) and (f) of the California Rules of Court. ... <u>Page 6, item 35</u>: Change “item 30” to “item 31.” <u>Page 6, item 35d</u>: Change “representative” to “rights holder.” <u>Page 8, item 42d, last sentence</u>: Change “rule 5.695(g)(10)” to “rule 5.695(f)(10).” Alternatively, delete “rule 5.695(g)(10) of” – i.e., “as stated in the California Rules of Court” so that future revisions to the CRCs do not necessitate further revisions to this form.	The proposal was revised as suggested in response to this comment. The forum and committee do not recommend this change as the statute uses the term representative rather than rights holder. The proposal was revised as suggested in response to this comment.
		JV-430 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.3 and CRC rules 5.481, 5.482 to citations. <u>Page 2, item 6c(1)</u>: Add “or citizen” and “or citizenship.”	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			the agency ... work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify the child's status; or <u>Page 2, item 6c(2)</u>: Add “or citizen” and “or citizenship.” the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify ... <u>Page 2, item 6c(2)</u>: Change “an” to “and.” ... the child’s status an and provide notice in accordance ... <u>Page 4, item 11d</u>: Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers s service providers; and	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 4, items 15a & 15b:</u> <i>Query</i> – Should “and developmental services” be inserted after “educational”? See suggested edits below. a. A limitation on the right of the parents to make educational <u>and developmental-services</u> decisions for the child is not necessary. The parents hold <u>educational decision making</u> rights and responsibilities in regard to the child's education <u>and developmental services</u>, including those described in rule 5.650(e) and (f) of the California Rules of Court. ... b. A limitation on the right of the parents to make educational <u>and developmental-services</u> decisions for the child is necessary, and those rights are limited The <u>educational decision making</u> rights and responsibilities of the educational <u>representative rights holder</u> are described in rule 5.650(e) and (f) of the California Rules of Court. ... <u>Page 5, item 19d:</u> Change “representative” to “rights holder.”	The forum and committee do not recommend this revision. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder. The forum and committee do not recommend this revision as the statute uses the term representative rather than rights holder.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.” <u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.” <u>Page 6, left footer</u>: Change “2023” to “2026.”	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.
		JV-432 <u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485 <u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(<i>m</i>).” <u>Page 2, item 10</u>: This item duplicates item 11 on the JV-430. Should it be deleted from the JV-432? <u>Page 2, item 10d</u>: Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The forum and committee have considered this comment but do not recommend the revision as there is value in having the finding in both places. The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers s service providers; and <u>Page 3, item 14b(1)</u>: Change “who” to “whom” ... except with respect to individuals whom m the agency has determined to be ... Or edit to match item 15.b.(1) on the JV-433. ... except for individuals the agency has determined to be ...	The proposal was revised as suggested in response to this comment.
		JV-433 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485 <u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).” <u>Page 2, item 10</u>: This item duplicates item 11 on the JV-430. Should it be deleted from the JV-433?	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The forum and committee have considered this comment but do not recommend the revision as there is value in having the finding on both forms.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 2, item 10d</u>: Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers <u>service providers</u>; and <u>Page 4, item 18b</u>: <i>Query</i> – Should this item also have an ICWA version of this finding (see WIC § 366.21(e)(8)), e.g.: By clear and convincing evidence, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.
		JV-435 <u>Page 1, right footer</u>: Add WIC § 224.2 and CRC 5.481. <u>Page 2, item 6c(1)</u>: Add “or citizen” and “or citizenship.” the agency ... work with all of the tribes where the child may be a member <u>or citizen</u> or	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		eligible for membership or citizenship to verify the child's status; or <u>Page 2, item 6c(2)</u>: Add “or citizen” and “or citizenship.” the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify ... <u>Page 2, item 6c(2)</u>: Change “an” to “and.” ... the child’s status an and provide notice in accordance ... <u>Page 4, item 11d</u>: Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers s service providers; and <u>Page 4, items 15a & 15b</u>: <i>Query</i> – Should	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The forum and committee do not recommend this edit. The forum and committee note the

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		“and developmental services” be inserted after “educational”? See suggested edits below. a. A limitation on the right of the parents to make educational and developmental-services decisions for the child is not necessary. The parents hold educational decision making rights and responsibilities in regard to the child's education and developmental services, including those described in rule 5.650(e) and (f) of the California Rules of Court. ... b. A limitation on the right of the parents to make educational and developmental-services decisions for the child is necessary, and those rights are limited The educational decision making rights and responsibilities of the educational representative rights holder are described in rule 5.650(e) and (f) of the California Rules of Court. ... <u>Page 5, item 19d</u>: Change “representative” to “rights holder.” <u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.”	form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder. The forum and committee do not recommend this revision as the statute uses the term representative rather than rights holder. The proposal was revised as suggested in response to this comment.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”	The proposal was revised as suggested in response to this comment.
		JV-437 <u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485.	The proposal was revised as suggested in response to this comment.
		<u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).”	The proposal was revised as suggested in response to this comment.
		JV-438 <u>Page 1, right footer</u>: Add WIC § 361.31 and CRC 5.485. <u>Page 1, item 3d</u>: Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers s service providers; and <u>Page 1, item 7</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).”	The proposal was revised as suggested in response to these comments.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 2, item 13</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 14, though with less detail. <u>Page 4, item 19b</u>: <i>Query</i> – Should this item also have an ICWA version of this finding (see WIC § 366.21(f)(1)(A)), e.g.: By clear and convincing evidence, active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. <u>Page 4, item 19c</u>: Insert “be” before “an Indian child.” ... is or may be an Indian child ...	
		JV-440 <u>Page 1, right footer</u>: Add WIC § 224.2 and CRC 5.481, 5.485. <u>Page 2, item 6c(2)</u>: Change “an” to “and.” ... the child’s status an and provide notice in accordance ... <u>Page 4, item 11d</u>: Suggested changes (see CRC 5.485(c)(3)):	The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers service providers; and <u>Page 4, items 15a & 15b: Query</u> – Should “and developmental services” be inserted after “educational”? See suggested edits below. a. A limitation on the right of the parents to make educational and developmental-services decisions for the child is not necessary. The parents hold educational decision making rights and responsibilities in regard to the child's education and developmental services, including those described in rule 5.650(e) and (f) of the California Rules of Court. ... b. A limitation on the right of the parents to make educational and developmental-services decisions for the child is necessary, and those rights are limited The educational decision making rights and responsibilities of the educational representative rights holder are	The forum and committee do not recommend this edit. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		described in rule 5.650(e) and (f) of the California Rules of Court. ... <u>Page 5, item 19d</u> : Change “representative” to “rights holder.” <u>Page 6, item 24</u> : Change “boxes” to “box” and change “forms” to “form.” <u>Page 6, item 25</u> : Change “box” to “boxes” and change “form” to “forms.”	The forum and committee do not recommend this change as the statute uses the term representative rather than rights holder. The proposal was revised as suggested in response to this comment. The proposal was revised as suggested in response to this comment.
		JV-442 <u>Page 1, right footer</u> : Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485. <u>Page 1, item 3d</u> : Suggested changes (see CRC 5.485(c)(3)): ... been conducted and developed to the maximum extent possible in partnership with the Indian child, the parents, extended family members, Indian custodians, and the tribe, and utilized the available resources of the Indian child's extended family, tribe, tribal and other Indian social service agencies, and individual Indian caregivers s service providers ; and	The proposal was revised as suggested in response to these comments.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 1, item 7</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).” <u>Page 2, item 13</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 14, though with less detail. <u>Page 4, item 19c</u>: Insert “be” before “an Indian child.” ... is or may be an Indian child ...	
		JV-443 <u>Page 1, right footer</u>: Add WIC §§ 224.3, 361.31 and CRC 5.481, 5.485. <u>Page 1, item 4</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).”	The proposal was revised as suggested in response to these comments.
		JV-446 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485. <u>Page 3, item 13</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).” <u>Page 3, items 16a & 17b</u>: Change “item 45” to “item 46.”	The proposal was revised as suggested in response to these comments.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		<u>Page 4, item 18</u>: <i>Query</i> – Should this item be deleted? It seems duplicative of item 24, though with less detail. <u>Page 5, item 30</u>: Change “item 28” to “item 29.” <u>Page 6, item 31</u>: Change “item 29” to “item 30.” <u>Page 6, item 33a(2)</u>: Change “supportperson’s” to “support person’s.” <u>Page 8, items 41 & 42a</u>: Change “item 36” to item “37.” <u>Page 8, item 43</u>: Change “box” to “boxes” and change “form” to “forms.”	
		JV-455 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 361.31 and CRC 5.481, 5.485. <u>Page 2, item 6c(1)</u>: Add “or citizen” and “or citizenship.” the agency ... work with all of the tribes where the child may be a member or citizen or	Except as noted below, the proposal was revised as suggested in response to these comments.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			eligible for membership or citizenship to verify the child's status; or Page 2, item 6.c.(2): Add “or citizen” and “or citizenship.” the agency is required to exercise due diligence to identify and work with all of the tribes where the child may be a member or citizen or eligible for membership or citizenship to verify ... Page 2, item 6c(2): Change “an” to “and.” ... the child’s status an and provide notice in accordance ... Page 4, items 15a & 15b: <i>Query</i> – Should “and developmental services” be inserted after “educational”? See suggested edits below. a. A limitation on the right of the parents to make educational and developmental-services decisions for the child is not necessary. The parents hold educational decision making rights and responsibilities in regard to the child's education and developmental services.	The forum and committee do not recommend this edit. The forum and committee note the form references rule 5.650(e) and (f), which already includes “developmental services” as vesting with the educational rights holder.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		including those described in rule 5.650(e) and (f) of the California Rules of Court. ... b. A limitation on the right of the parents to make educational and developmental-services decisions for the child is necessary, and those rights are limited The educational decision making rights and responsibilities of the educational representative rights holder are described in rule 5.650(e) and (f) of the California Rules of Court. ... <u>Page 5, item 19d</u>: Change “representative” to “rights holder.” <u>Page 6, item 24</u>: Change “<i>boxes</i>” to “<i>box</i>” and change “<i>forms</i>” to “<i>form</i>.” <u>Page 6, item 25</u>: Change “<i>box</i>” to “<i>boxes</i>” and change “<i>form</i>” to “<i>forms</i>.”	The forum and committee do not recommend this change as the statute uses the term representative rather than rights holder.
		JV-457 <u>Page 1, right footer</u>: Add WIC §§ 224.2, 224.6, 361.31 and CRC 5.481, 5.485. <u>Page 2, item 8</u>: Change “§ 366.1(<i>l</i>)” to “§ 366.1(m).”	The proposal was revised as suggested in response to these comments.

SPR 25-30

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			Page 3, item 16c: Insert “be” before “an Indian child.” ... is or may be an Indian child ...	
			No additional Comments.	No response required.
11.	Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, Joint Rules Subcommittee	AM	The JRS notes that the proposal is required to conform to a change of law.	No response required.
			The JRS also notes the following impact to court operations: • Impact on existing automated systems. ○ May require updating case management system and tracking. • Results in additional training, which requires the commitment of staff time and court resources. ○ Will require training for juvenile judges & clerks. Increases court staff workload. ○ Will require updating self-help centers and presiding judge of juvenile court ensuring that self-help resources are updated and supplied.	The forum and committee appreciate the feedback.
			Suggested modification(s):	No response required.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

Commenter	Position	Comment	Forum and committee Response
		Form JV-412 Sec.5a; Form ICWA-020 section 3.b	
		JV-412 sec 5 a.. Suggest add sentence: “The county agency is ordered to continue to inquire about child’s possible Indian status and report inquiry efforts to the court.” This advisement is included in all other forms and although may not be necessary at jurisdictional hearing, would be a consistent reminder at all proceedings that the ICWA inquiry is continuous and ongoing.	The proposal was revised in response to this comment with slightly revised language: “The agency has an affirmative and continuing duty of inquiry to determine whether the child is or may be an Indian child and report to the court on its inquiry efforts.”
		Form ICWA Form ICWA-020 section 3. b. asks why a person believes a child may be a member of a tribe but does into provide a space for an answer. Allowing a space may result in leads the agency may consider in following up on possible tribal membership. For example, a person may say that a friend, relative, letter, family history once said something that led to the belief that a child had tribal membership.	The proposal was revised as suggested in response to this comment.
		Another possible source of inquiry could for the identity of a family historian. Some families have relatives who have interest in family ancestry, scrapbooking, etc., and may	The forum and committee considered whether this should be added to the form but concluded that as this question is not required by statute, would be best added into training for social workers and judicial officers.

Juvenile Law: Indian Child Welfare Act (ICWA) Inquiry and Family Finding (amend Cal. Rules of Court, rules 5.481, 5.668, 5.708 and 5.725; revise forms ICWA-005-INFO, ICWA-010(A), ICWA-020, JV-101(A), JV-320, JV-405, JV-410, JV-412, JV-415, JV-421, JV-430, JV-432, JV-433, JV-435, JV-437, JV-438, JV-440, JV-442, JV-443, JV-446, JV-455, and JV-457) All comments are verbatim unless indicated by an asterisk (*).

	Commenter	Position	Comment	Forum and committee Response
			be sources of information about Indian heritage of the child.	